RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 17
1734-1735

MICROFILMED ·
BY
· WM. L. McDOWELL

Vol 17

B.P.R.O. A & W.I. bol. 19. p. 63.

Charles Town ye 11th August 1734.

My Lord,

A very unfortunate affair has happened lately on Board a Schooner belonging the Subjects of the King of Spain, and brought into this Harbour of Charles Town, four of the Crew murdered the Owner, and three more, fell out afterwards among themselves and two of the Murderers killd ye other two, and the remaining two were dispatch'd by that part of the Crew y^t had not been concern'd in this Barbarous fact, the widdow of the unfortunate Owner, they did not kill, and is now here and appears to be a person of good condition.

I shall not take up Your Graces time in mentioning all the particulars of this affair, because I enclose all the Proceedings properly certifyed, which will Inform your Grace of all the Steps taken by His Maj^ty Council and myself in doing Justice to the Widdow; and those who claim the Effects brought in here. in which I thought it my Duty to use the greatest Caution and Openness in my Proceedings that there may be no pretence of Embezlements or Cloandestine Practices on the Councils or my part,

His Grace the Duke of Newcastle. apprehending

1734 Aug - Dec
& 1735 —

apprehending it to be my Duty to do the same Justice to the Subjects in friendship with his Most Sacred Majesty, as to his own; I hope my endeavours therein will be Acceptable to His Majesty and your Grace.

I shall also send copies of all the Proceedings to the Govr of the Havanna relating to this affair (to which place the Widdow designs to return) that he may be apprized that everything has been done & transacted with the greatest regard to his Masters Subjects, The Widdow of the Owner, as it appears by the Examinations taken was always present in person or by her Attorneys, and the effects that were brought before the Council were never out of her sight, till an Inventory taken of them, and then were lock'd up, and the keys given to her till the whole was delivered.

I likewise send to your Grace the whole proceedings upon the Trial of Joseph de Lortie one of the Crew for Piracy &c. the rest of the Crew having sworn to his being Accessory but he was acquitted; I humbly crave that your Grace after perusing the Trial, will order them to be delivered to Dr Henry Penrice, or Judge of the High Court of Admir-

-alty

-alty in England, the Law for trying Pirates direct-
-ing that he shall have them.

And as no Commission for Trying Pirates has been sent to this Province since His Majesty's Accession, which has obliged us to try in this Province several Pirates, by virtue of His late Majesty's Commission for that purpose, and by virtue of His present Majestys Proclamation, Ordering all Officers shall continue in Post and Employment till His Majesty's further Orders, and Scrupules having arose thereupon, I submit it to Your Grace, if it may not be proper to send a new Commission here for the Trying of Pirates, as to myself as Governor, I was advised the 119th article of my Instructions expressly Injoyn me to act by his late Majestys Commission for trying Pirates.

I have nothing more at present Material to advise your Grace of

I am with the greatest respect
My Lord
Your Graces Most Obedient
and most Humble Servt.
Robt Johnson

apprehending it to be my Duty to do the same Jus-
-tice to the Subjects in friendship with his
Most Sacred Majesty, as to his own; I hope my
endeavours therein will be Acceptable to His Majesty
and your Grace.

I shall also send Copies of all the Proceed-
-ings to the Govr of the Havanna relating to this affair
(to which place the Widdow designs to return) that
he may be apprized that everything has been done
& transacted with the greatest regard to his Masters
Subjects, The Widdow of the Owner, as it appears
by the Examinations taken was always present in
person or by her Attorneys, and the effects that were
brought before the Council were never out of her
sight, till an Inventory taken of them, and then
were lock'd up, and the keys given to her till the
whole was delivered.

I likewise send to your Grace the whole
proceedings upon the Trial of Joseph de Lortie one
of the Crew for Piracy &c the rest of the Crew
having sworn to his being Accessory but he was
acquitted; I humbly crave that your Grace after
perusing the Trial, will order them to be delivered
to Sr Henry Penrice, or Judge of the High Court of Admir-
-alty

-alty in England, the Law for trying Pirates direct-ing that he shall have them.

And as no Commission for Trying Pirates has been sent to this Province since His Majesty's Accession, which has obliged us to try in this Pro-vince sev.l Pirates, by virtue of His late Majesty's Commission for that purpose, and by virtue of His present Majestys Proclamation, Ordering all Officers shall continue in Post and Employment till His Ma-jesty's further Orders, and Scrupules having arose thereupon, I submit it to Your Grace, if it may not be proper to send a new Commission here for the Trying of Pirates, as to myself as Governor, I was advised the 119.th article of my Instructions expressly Injoyn me to act by his late Majesty's Com-mission for trying Pirates.

I have nothing more at present Material to advise your Grace of

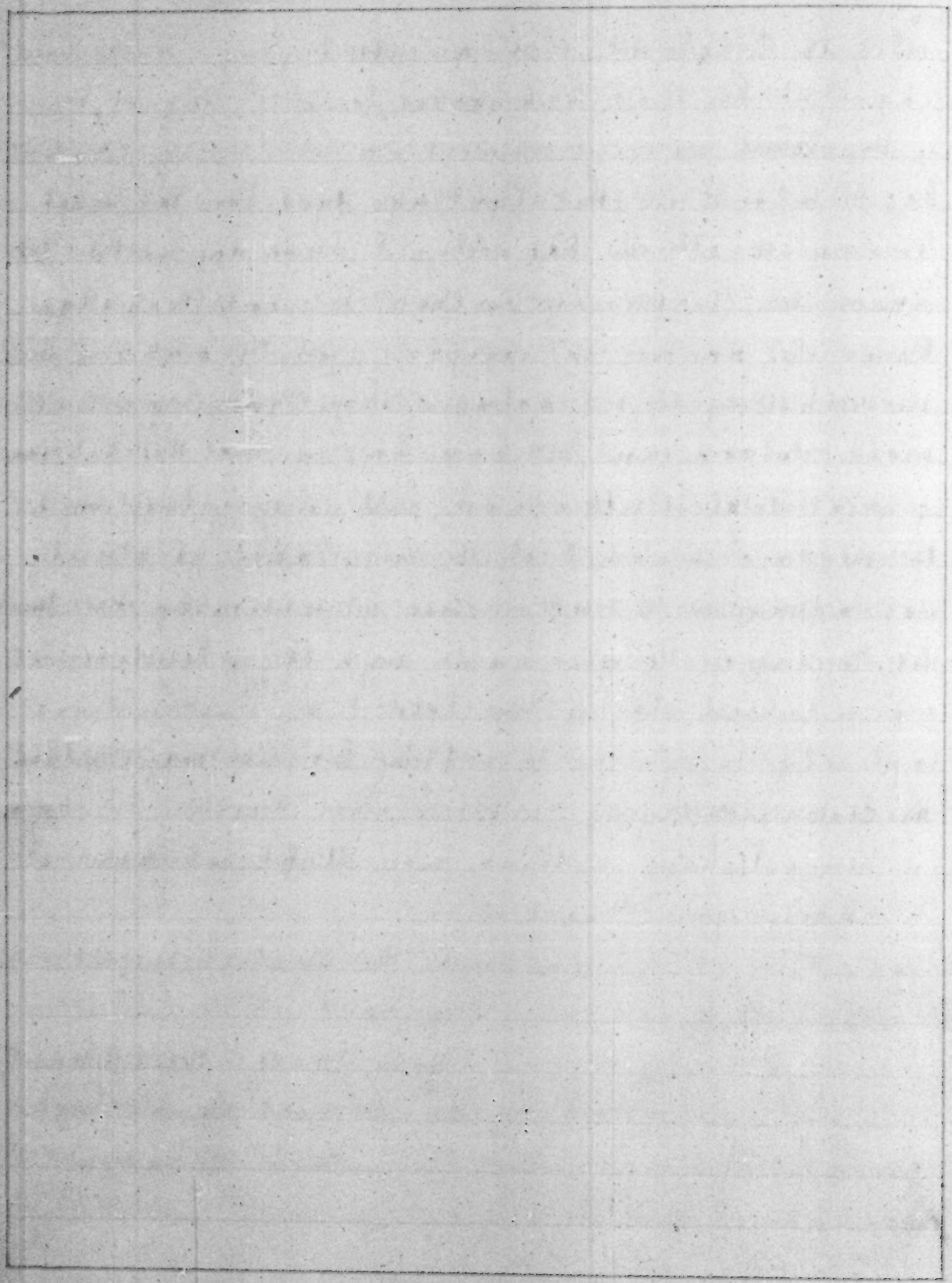
I am with the greatest respect

My Lord

Your Graces Most Obedient

and most Humble Servt.

Robt Johnson



B.P.R.O. A & W.I. Vol. 19. p. 64

Charles Town 7th August 1734.

My Lord

About a fortnight ago dyed here Mr Theophilus Gregory Master in Chancery; I have appointed Mr Bramahe to Officiate in that Post untill I shall have the Honour of receiving your Graces Commands in relation to the same. I hope Your Grace will please to confirm Mr Bramahe in that Post, it requires a great deal of Attendance, and is very triffling as to the Income and Proffits, the greatest part of it depending on the Allowance ye Assembly will think fit to Annex to it. I am with the greatest respect

My Lord

Your Graces most Obedient
& most Humble Servant
Robt Johnson

His Grace the Duke
of Newcastle.

B.P.R.O. South Carolina B 3 vol 7

E 95 Charles Town 7 August 1734

To the Right Honble The Lords for Trade &c

My Lords

I received two days ago by the Hands of Ell^r James Greame the Order of the Committee of Council for Plantation Affairs dated at the Council Chamber at Whitehall ye 10th of April 1734 signed Temple Stanyan relating to the Act entitled An Act for prevention of Suits and Disturbances to His Majesties Judges and Magistraks in this province on account of the Habeas Corpus Act' as also several Complaints exhibited against me by Thomas Cooper Jas Greeme and Rowland Vaughan in their petition to the said Order annexed. by which Order I am directed to return my answer to the said petition to the Committee of His Majesty's Council with all convenient speed I shall not fail to comply with the said Directions with all the Expedition I possibly can

I received at the same time and by the same hand His Majesty's disallowance and Repeal of the Act aforementioned in a General Council held at St James's the 11th of April last upon which I immediately issued a proclamation signifying His Majesty's pleasure accordingly I am with great respect My Lords

Your Lordships most obedient

and most humble Servant

Robt Johnson

18 Augt 1734

N.B. I having obliged the Receiver Genl to make out fair Books of all rec^ts and payments of Public Moneys they have been with Dep^y and Mr St John some time in Order to be audited and as soon as finished shall be transmitted

Rec 7 Nov 1734
Read 28 Aug 1735

P. R. O. South Carolina B T Vol 7

E 51

At the Court at Kensington the 8th August 1734

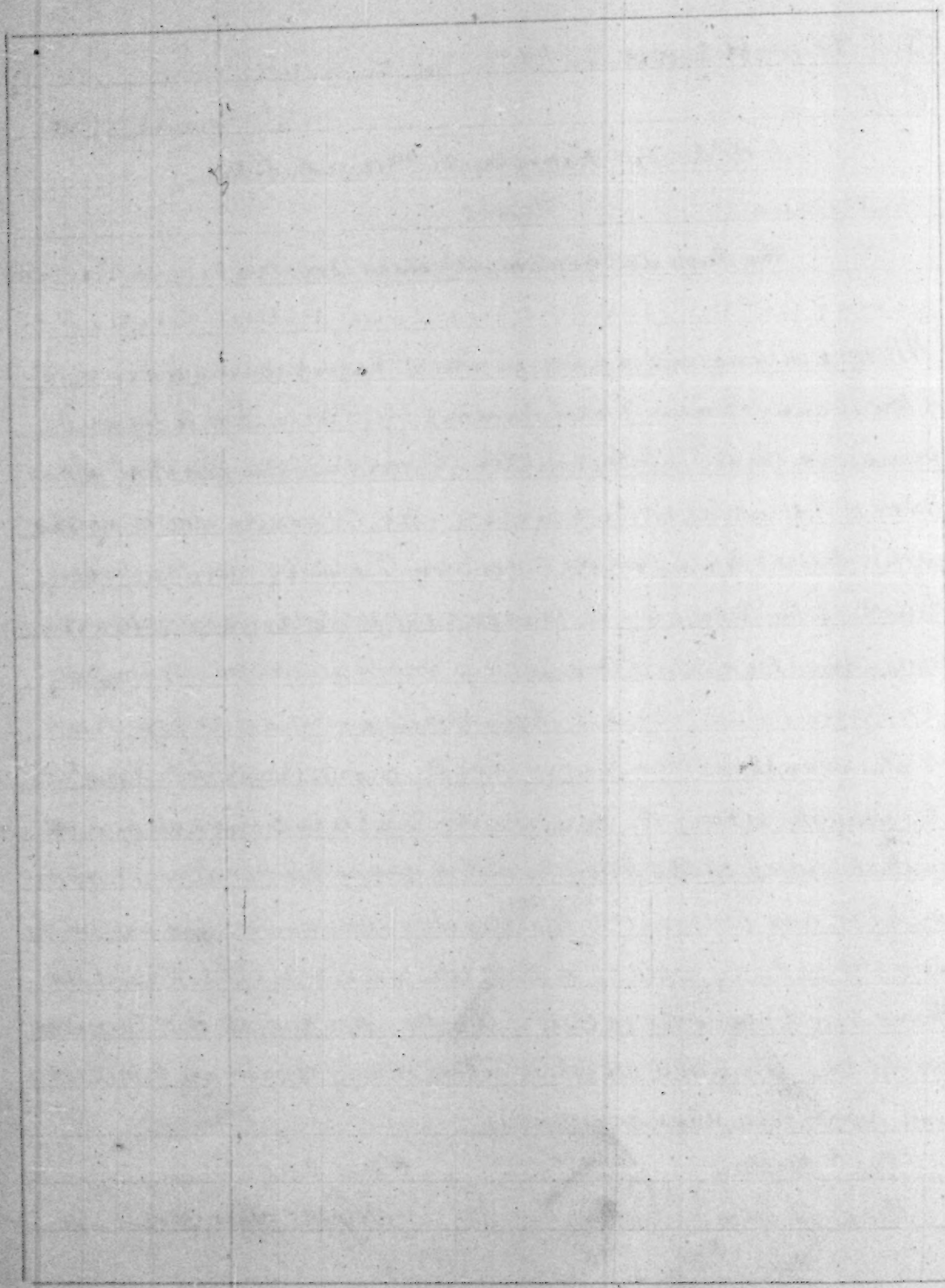
Present

The Kings Most Excellent Majesty in Council

Whereas in pursuance of powers given to the Governor Council and Assembly of His Majestys Province of South Carolina An Act was passed in the said Province on the 15th of February 1733 Intituled "An Act for settling the Estate of Richard Beresford Esq deceased" And Whereas the said Act together with a Representation from the Lords Commrs for Trade and plantations proposing the Repeal thereof have been referred to the consideration of a Committee of the Lords of His Majestys most Honorable privy Council for plantation Affairs. The said Lords of the Committee did this day Report to His Majesty as their Opinion that the said Act ought to be repealed His Majesty taking the same into His Royal Consideration is pleased with the Advice of His privy Council to declare his disallowance of the said Act. and pursuant to his Majestys pleasure thereupon exprest the said Act is hereby repealed. declared Void and of none Effect. Whereof the Governor or Commander in Chief of His Majestys province of So Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly

Recd 31 May } 1735
Read 12 June }

A true copy
Temple Stanyan



B.P.R.O. S^o Carolina B.T. Vol. 26 p. 102.

8th August 1734.

To Mr Attorney & Mr Solicitor.

Gentlemen

My Lords Commissioners for Trade and Plantation having under Consideration some matters relating to the granting of Lands, in His Majestys Province of S^o Carolina, I am Commanded by their Lordships to remind you of the Letter I writ You the 24th of last Month, & again to signify their Desire that ye Draft of a Bill now before you concerning His Majestys Quit Rents may be dispatched as soon as conveniently You can I am

Gentlemen

Your most humble Servt

Alured Popple

Whitehall

Aug 8th 1734.

B.P.R.O. S. Carolina B.T. Vol. 26 p. 102.

22nd Aug. 1734.

To Coll. Johnson Govr of South Carolina

Sr

Col. Purry having in a Petition to His Matty which has been referred to my Lords Commrs for Trade and Plantations complained that ye Tract of Land within 6 Miles of ye Townst of Purrysburgh which was by His Matys Instrs reserved for ye use of the Inhabitants of that Township, has been surveyed in behalf of several Persons, since the Proclamation which you issued prohibiting all His Majtys Subjects & others within that Province, to run out any Quantity of Lands whatsoever within Six Miles of the said Township.

My Lds Commrs have consulted the Attorney & Solr Genl upon this Affair & send you their Opinion enclosed, whereby you will perceive that the King's Instructions & Yor Proclamation in consequence thereof are in Law deemed adequate to an Actual Grant of ye sd Land for His Majtys use & consequently that those who have pretended to set out ye sd Lands for themselves can have no Right nor Title thereto, having set out ye same subsequent to Yor Proclamation. My Lords have therefore made their Report accordingly and

in

in all probability, you will very shortly receive His Majtys Orders upon this Subject. But, in the mean time their Lordps cannot help observing that 8000 acres of those very Lands have been Surveyed in your Name.

I am further comanded to acquaint you that My Lords desire you will upon your receipt hereof Issue another Proclamation prohibiting any person to lay out or take up any Land wthin 6 miles of ye 10 other Townsps which you were directed to lay out in Pursuance of Yor aforesd Instruction

I am

Sr

your most humble Servt

Al. Popple.

Whitehall
Aug 22nd 1734

B. P. R. O. South Carolina B. T. Vol. b 231.

(12th August 1734)

Sr

Here being at the Council Office, and we take it for granted, at the Plantation Office a Paper Entitled, A Further Humble Representation of the Council of the Province of Carolina made to his Majesty on the 19th of December 1728, in relation to the Paper Currency; And it being conceived, that this Paper will be of use to the Lords of Trade in the Re consideration of the Repot which is referred back to their Lordships with the Remonstrance of the Governor, Council and Assembly and Mr Parrys Petition; We therefore in Behalf of the Traders of the Citys of London and Bristol to South Carolina, desire you will acquaint the Lords with what we, now, inform you, promising ourselves that their Lordships will Give Directions for this Paper to be laid before them, at a Time when it will necessarily be of so great Service to their Lordships, in making a true Judgment of the Affair referred to them for their further Consideration. We are

Sr

Your most Humble Servts

Aug st 12th 1734

Alured Popple Esq

J Knapp

Wm Hood

Read Augst 13th
Read 20 ditto } 1734

B P R O South Carolina B T Vol 1 E 32

To the Right Honble the Lords Commissioners
for Trade and Plantations

The Humble Petition of Thos Rutherford

Sheweth

That your Petitioner on the behalf of some of his Friends and Correspondents has purchased of Mr Thomas Lowndes a Title to Twelve thousand Acres of Land in South Carolina the Orriginal Grant whereof has lain for some Months and now lies in your Lordships Office.

That the said Mr Thomas Lowndes has informed your Petitioner, that in consideration of a Peice of Service which he performed to the Publick, he obtained a promise from your Board, That your Lordships would direct the Surveyor Genl of South Carolina to run out the said Barrony of Twelve thousand Acres, in Tracts not containing less than One thousand Acres each, one fourth part only to front a navigable Creek or River

Your Petitioner therefore humbly prays your Lordships, That the necessary Directions may be given the s^d Survey: Genl as above, or that such

such Minute may be made in your Lordships Office, that your Petrs Friends & Correspondents may not be deprived of the Benefit of such promise, in case the said Lowndes should dye, who is in a very declining State of Health as your Petr is credibly informed and really believes

And Your Petitioner shall ever pray &c.

Recd Augst 25th } 1734
Read Ditto }

B. P R. O. South Carolina B.T. Vol 6 E33.

(12th August 1730)

My Lords

Je vous demande pardon si je prends la liberté de vous écrire en françois, la necessité m'y oblige ne sachant pas m'exprimer en Anglois & n'etant pas à portée d'observer les regularitéz.

J'ay fait embarquer à la rade de Calais dans trois Vaisseaux, un nombre de 270 Suisses avec les quels je parts pour la Caroline, mes Amis ont bien voulu faire les avances necessaires pour ce voyage, malgré les injustices dont on me menace par rapport aux terres qu'il a plû à Sa Majesté de me donner en Caroline & qui font la sûreté de leurs Avances; l'Amitié particulière qu'ils ont pour moy, leur generosité, leur affection pour le bien public & leur charité envers les pauvres m'ont fait trouver en eux de la facilité à me secourir; si j'avois eu à faire à des gens interressés, l'obstacle auroit été invincible les Suisses venus à Calais auroient été ruinés & obligés de retourner chez eux honteusement, en un mot j'étois perdu & mon entreprise bouleversée sans l'assistance de mes Amis.

Je vous supplie tres humblement, My Lords.

&

& je vous conjure par l'intèrret que tout véritable Anglois doit prendre à l'honneur du Roy & à l'avantage de la Nation Britannique, de continuez à protèger & à soutenir mon établissement, duquel il doit resulter un tres grand bien au public. Pour le faire réussir trois choses sont absolument necessaires.

1° Que l'on fournisse aux gens que je mène & à ceux qui viendront dans peu, les vivres necessaires pour leur subsistance pendant un An & aussy quelques Outils pour travailler.

2° Que j'aye mes terres dans l'endroit où Sa Majesté a eu la bonté de me les donner, c'est à dire contiguës au Township de Purrisbourg, afin que je ne sois pas obligé de faire une espèce de banqueroute à ceux qui m'ont fait de grosses Avances sur cette sureté, & qu'au contraire je puisse les encourager a m'aider par de nouveaux secours d'argent, sans les quels l'affaire tombera encore en ruine.

3° Que l'on donne aussy aux Suisses Colonistes les terres qu'ils les auroient conformément à l'Article VIII Instructions de Sa Majesté & à la proclamation de Mr le Gouverneur du 8 Septembre 1781. Ils sont venus sur la foy de les promesses, mais si à leur arrivée à Purrisbourg, les choses se trouvent autrement ils

me

me traiteront comme un menteur & un traitre & je crains qu'ils ne commettent des désordres dont les suites seroient facheuses.

J'ay eu la satisfaction d'apprendre à mon départ de Londres que les ordres avoient été donnez. afin que les livres ne manquent pas; En cela je ressens, My Lords, l'effet de vôtre Protection, & je parts avec un Esprit tranquile sur ce p.r Article; mais à l'égard du 2.d & du 3.e il me reste encore de grandes inquietudes, sachant que des personnes avides du bien d'autruy, ont fait mésurer des terres pour leur usage dans le Township de Purrisbourg & dans les six miles reservez au mépris des Instructions du Roy & de la Proclamation du Gouverneur; Ils fondent leur droit sur des Grants de Milord Carteret ou des autres Seigneurs Proprietaires; Mais si je ne craignois pas d'être trop long. je pourrois, My Lords, rapporter icy plusieurs raisons que j'ay à alleguer contre leurs pretentions frivoles; Je vous representeray seulement, My Lords, que lors que je marquay le lieu ou Purrisbourg devoit être bâti toutes les terres des environs étoient vacantes & que les S.rs Roberts, Thorpe & autres ne les ont fait mesurer pour eux, qu'après que j'en marqué ledit endroit & même

après

apres la Proclamation du Gouverneur qui deffendoit expressement à toutes personnes de prendre des terres dans le Township de Purrisbourg ni dans les six Milles reservez; Je dis donc que ces terres étoient vacantes quand je marquay le lieu de la Ville, mais dez qu'il fut marqué, elles n'étoient plus vacantes, puis que le Roy, par l'article 43. de ses Instructions; en disposoit dez ce moment là, en faveur de ceux qui viendroient habiter la Ville: Ainsy lesdites terres n'étant plus vacantes, ces Messrs auroient dû s'abstenir de les prendre & respecter les droits du Roy que ne sont pas moindres que ceux de Mr. Carteret. Ils disent encore que mes terres n'etoient pas mesurées & que toute terre non mesurée est vacante; à cela je reponds que s'il avoit été en mon pouvoir de les mesurer, elles l'auroient été, mais ce n'étoit pas mon affaire, c'étoit celle de Mr le Gouverneur suivant les Instructions du Roy; il paroit aussy par ces mêmes Instructions que les terres reservées ne sont plus vacantes; d'ailleurs ils n'ignoroient pas la Proclamation qui leur deffendoit de les prendre; ainsy ils ont donc agi par surprises. Enfin, My Lords, la grace que je prends la liberté de vous demander, c'est d'intercéder auprés du Roy pour en obtenir une

Instruction

Instruction au Gouverneur de la Caroline par laquelle il luy soit ordonné de faire mesurer immediatement les terres du Township de Purrisbourg & des six Milles reservez suivant les Articles 43 & 45 des Instructions du Roy & de me loger sur ce terrain avec tous ceux que j'y mène & que j'y ménerai dans la suite, & en cas de difficulté, de faire poursuivre ceux qui s'y opposeront par l'Attorney ou le Sollicitteur General de la Province; c'est là, a mon avis, le seul moyen de me faire avoir justice & à mes Compatriotes qui sont venus sur la Parole sacrée du Roy, se transplanter dans cette partie du monde pour y devenir ses fidèles sujets.

Il seroit, My Lords, d'une consequence extrême de faire expédier cet ordre sans aucun rétard, car si cette affaire demeure dans l'incertitude ou elle est encore à present, les Suisses se décourageront & ils ne se soucieront guères d'aller cultiver des terres trop éloignées de leur demeure.

Quand j'ay quitté la Suisse, il y avoit parmi ce peuple un grand desir de venir à la Caroline, & ils y viendront par la suite en grand nombre, pourvû que mon entreprise soit soutenuë dans sa naissance.

Les gens St Gall ont dessein de demander un

terrain

terrain en Caroline pour y bâtir une Ville. mais il seroit à souhaitter quel'on ne commencat pas d'autre Ville jusqu'à ce que celle de Purrisbourg fut bien établie. il seroit sur tout d'une mauvaise consequence qu'on leur accordat un terrain au dessous de Purrisbourg ou plus près de Charlestown, parce que tous les Suisses qui viendroient dans la suite, iroient S'établir dans celle Ville & on negligeroit Purrisbourg qui est frontière: l'endroit qui seroit le plus convenable pour une nouvelle Ville de Suisses, ce seroit sur la Rivière Savanne, entre le fort de Palachucklace & le fort More; l'experience que j'ay acquis & la connoissance que j'ay de la Caroline & de la Suisse, devroit engager ces gens de St Gall d'agir de concert avec moy & il seroit à souhaitter qu'on le leur conseillat pour leur propre avantage, parce que Mr Simond & mon fils qui agissent pour moy à Londres les mettroient au fait de tout ce qu'ils doivent faire: Aureste My Lords, vous ferez à cet égard tout ce que dans vôtre profond jugement, vous trouverez de plus convenable

J'ay l'honneur de me dire avec une profonde Soumission aux Dames le 12 Aoust 7ve My Lords

à bord du Navire le Simond Votre tres humble & tres obeissant

Recd Reud 29 Aug. 1711 Serviteur . Purry. Coll

19

B. P. R. O. South Carolina B T Vol 6. £40.

Charles Town the 18th August 1734

My Lords

I send Your Lordships by this Conveyance all the Laws passed the last Sessions. It has been Impossible to get the Minutes of Council, and the Journals of the Upper and Lower House of Assembly Transcribed time enough to send by this Ship. tho all possible means have been used to get them ready, they shall be sent by the very first safe opportunity. I am with great respect

My Lords

Your Lordships most Obedt
and most humble Servant
Robt Johnson.

Rt Honble The Lords Commrs for Trade &c

Recd Novr 4th
Read Decr 11 } 1734

B.P.R.O. No Carolina B.T. Vol. 26 p. 103.

28 Aug. 1734.

To Mr Jennings

Sr

My Lords Commissioners for Trade and Plantations, have appointed Wednesday the 18th of September next for taking the Lord Baltimores Petition, into further Consideration, which I have signify'd to Mr Paris, in behalf of ye Proprietors of Pensilvania, and that my Lords will at that time be ready to hear what you or He may have to offer, upon ye Subject of ye sd Petition, by yrselves or Council as shall be agreed between you. I am

your humble Servt

Alured Popple

Whitehall
Aug 28th 1734

B.P.R.O. So Carolina B.T. Vol 26 p. 104

29th Aug 1734.

To Mr Attorney General.

Sir

My Lords Commissioners for Trade and Plantations have taken into Consideration yr two Drfts of a Bill for securing yr Kings Quit Rents in So Carolina prepared by you & Mr Solicitor Genl But as my Lords Commissioners find it absolutely necessary to have a Meeting with you & Mr Solicitor Genl here & to discourse with you upon Several parts of yr said Bills, before they can lay them before His Majesty. I am commanded to acquaint you therewith (as I now have mr Solict Genl) and to desire you will please to let me know, when such a Meeting will be convenient for you. any Wednesday or Thursday morning being convenient for my Lords Commissioners

I am

Your most humble Servt

Alured Popple.

Whitehall
Aug 29th 1734

B.P.R.O. S.e Carolina B.T. vol. 26 p. 105.

5th Sept. 1734.

To the Right Honble the Lords of ye committee of His Majesty's most Honble Privy Council.

My Lords,

In pursuance of Yor Lordship's Order of ye 18th day of April last We have considered the humble Peticon of Colo John Peter Purry to His Majesty praying for ye Reasons therein contained, That his Majesty would be Graciously pleased, to Order His Governor of South Carolina to cause the Six Miles round ye Township of Purrysburgh on that side the River where the said Township is situated, which were originally intended by His Mtys Instructions for the Bounds of that Township to be Surveyed & set apart, notwithstanding any Surveys made thereof, since the said Town was first marked out and that ye sd Lands may be reserved for ye Use of ye sd Town & such Swiss or other Foreign Protestants as ye Petitioner or his Agents have or shall Transport to Carolina in Order to Settle & Occupy the same, and also to Answer the Intended Grant of 48,000 Acres to ye Petitioner, That such of the most Substantiall and prudent Inhabitants, as shall be employed in Directing

or

or Assisting the Rest to make their respective Settle-
ments, may in Consideration of their Charge & Trouble
respectively, be allow'd by the Governor of South Car-
olina such Additional Quantities of Land within
the Limits of ye aforesd Six Miles round ye Sd Town-
ship of Purrysburgh as shall be thought an Adequate
Reward to their Services; Provided the additional
Lands granted to any one Person, shall not
exceed three Hundred Acres, and that their Services
be certifyed to ye said Governor, by ye Petitioner
That such of ye Inhabitants, whose Lots are Scit-
-uated on a Rivulet, which runs through Purrys-
-burgh may be allowed double Lots in Consideracon
of the extraordinary Charge & Labour which they
shall be at, in cleansing the said Rivulet & drain-
-ing a Swamp or Morass situated within ye Town,
which it is necessary to drain both for Health and
Convenience; And Lastly as Sevl Foreign Protestants,
who have been obliged to fly their Country, in Germany
& other parts of Europe for ye sake of their Religion,
& are well skill'd in the production of Silk and
Wine, are willing to go & Settle at Purrysburgh The
Petitioner most humbly intreats His Majesty that such
Persons may be reputed & received amongst the
Numbers

Number of Swiss Protestants which he hath obliged himself to carry to that Place.

With Respect to ye first Article of the Petition, We take Leave to acquaint Yor Lordships that Colo Johnson the present Governor of South Carolina, was by His Mat[y] Instructions directed to mark out certain Townships upon the sides of the Savannah & other Rivers in that Province, to consist respectively of 20,000 Acres of Land to be laid out in Square Plots of Ground, in each of which the Governor was directed to mark out a proper Place, for the Situation of a Town, contiguous to the River where ye Township should lye, and that Land might not be wanting near the said Townships, for ye conveniency of the Inhabitants, as their Substance should increase. It was further Directed, that no Person should be allowed to take up Lands within Six miles of ye Sd Townst[s] except the respective Inhabitants thereof; and for further Encouragement to such Persons as should be disposed to Settle in ye Sd Townships, It was amongst other things provided, That no Person blaiming a Right to Land, in South Carolina, by Virtue of former Grants, from the late Lords Proprietors, should be allowed to take up Land, within

within Six miles of these Townships.

In pursuance of the said Instructions Col. Peter Purry did by Orders of ye Governor & Council of South Carolina, make & lay out a certain Tract of 20,000 Acres of Land, being the great Yamasee Bluff on ye Savannah River, now called by ye Name of Purrysburgh, for the Reception of a Colony of Foreign Protestants, which by Agreement he was to Settle there. Whereupon the Governor of South Carolina did, by Proclamation bearing date the 1st day of September 1731, reciting the aforementioned Instructions & that ye said Township had been marked out, as aforesaid, Strictly forbid all His Majesty's Subjects & others within the said Province, to run out any quantity of Land whatsoever within Six Miles of ye Township so laid out by the aforesaid Col. Purry, thereby giving Publick Notice of the Kings Instructions, that no one might plead Ignorance thereof, or Transgress at their Peril.

Since the Issuing this Proclamation certain Persons on pretence of former Grants have surveyed several large Tracts of Land within the Compass of ye sd Six miles and even contiguous to the said Township, in Order to take possession thereof in direct Opposition to His Majesty's Instructions & ye Governor's

Proclamation

Proclamation.

We cannot positively determine, upon what Foundation the Several Persons, who have encroached upon the Town of Purrysburgh found their Right of Survey, except only One of them, who claims by a Mesne Conveyance under a Grant from the late Lds Proprietors for 12,000 Acres of Land.

That We might be the better able to give Our Opinion to Yor Lordships upon this Subject, We thought proper to communicate to His Majesty's Attorney & Sollicitor Genl a Copy of ye said Grant as well as of his Majesty's above mentioned Instructions to the Governor of South Carolina; together with the said Governor's Proclamation issued thereupon, and proposed to Them the following Query.

"Whether the Kings Instructions together with "the Governors Proclamation giving publick notice there- "of, which Proclamation was subsequent to the making "out the Township of Purrysburgh & previous to the "Surveys, encroaching upon the Six miles round abt "the said Townships, shall have sufficiently ascer- "tained ye Property of the Six Miles circumjacent "to the said Townships, so as to secure ye same from "being taken up by any other Persons by Virtue of

any

any general Grants, or Warrants from the late Lords Proprietors? To which they have returned the following Answer.

That the Grant being General, of Twelve Thousand Acres of Land, & ye same not being Described therein nor ascertained by any Survey before the Proclamation of Governor Johnson, We are of Opinion that such Grantee cannot now take up Lands within Six Miles of Purrysburgh; for the Right of the Lords Proprietors is now vested in the Crown, and such Genl Grant could certainly not have prevented the Lords Proprietors from making Subsequent Grants of any particular Lands, Provided, there was still sufficient Land left to satisfie such precedent Grant, and yet this would be ye necessary consequence of such Genel Grantee might at any time before his Lands are set out, take them wherever he pleases, and disturb the Possession of any subsequent Grantee This would not only be a great Invasion of His Majesty's Right but would create very great Confusion and would tend very much to ye disturbance of ye Peace of this Country.

Whereupon we are humbly of Opinion, that his Majesty should be Graciously pleased to direct his Governor

Governor of South Carolina to cause a Survey to be forthwith made by ye proper Officer, of Six miles round ye above mentioned Township of Purrysburgh to be reserved for ye sole Use of Colo Purry & of such Persons as shall hereafter Settle & Inhabit within the Sd Township, agreeable to His Majesty's Instructions, in that Behalf, and that he do not permit any other Person, or Persons, to survey or take Possession of Land within the said District of or Circumference of Six Miles, under Colour of any former Grant, from the late Lords Proprietors, or of any Survey made by virtue of such Grants, since the above-mentioned Proclamation, or upon any pretence Whatsoever.

And that to prevent the like Encroach-ments upon any other Township already laid out in pursuance of His Majesty's Instructions, the Gov-ernor should be further directed forthwith to Issue a Proclamation to the like effect, with that by him published in favour of ye Settlement at Purrysburgh

With respect to ye 2d Article of this Petition wherein Colo Purry prays that such of the principal Inhabitants as are employed in Directing & Assisting the Rest, to make their respective Settlements may be

be allowed such an addition of Lands within the above mentioned Circumference of Six Miles, as shall be thought adequate to their Services, not exceeding three Hundred Acres to One Person; We take leave to observe to Your Lordships that this Demand is indefinite both as to the Number of Persons to be gratifyed, and the Quantity of Land to be Granted; Wherefore We would propose to Your Lordship as a proper Medium upon this head; that His Majesty should be Graciously pleased to Authorize His Governor of South Carolina to Grant a Quantity of Land, not exceeding two Thousand Acres, in the whole over & above the ordinary Quantity of Land directed by His Majesty's Instructions, by way of Reward to such Inhabitants as shall be furnished with Colonel Purry's Certificate of extraordinary Services performed by them, for the Common Benefit of the Colony, in such proportions as the said Governor shall think proper, Provided the additional Lands so Granted to any one person do not exceed Two hundred Acres; and as We have been informed that there is no Provision yet made for a Minister of Purrysburgh, We would propose to Your Lordships that Two hundred Acres, over & above the said 2000

Acres

Acres be set apart, as a perpetual Glebe for ye Minister of ye Township.

As to ye other two Points of this Petition whereby Col. Purry desires that such of the Inhabitants whose Lots are Situated in the Rivulet that runs through Purrysburgh, may be allowed double Lots in Consideration of their Cleansing the said Rivulet & draining a Swamp, which communicates with it. And that such German or other Foreign Protestant, whom he shall transport to Carolina may be received & considered there, as part of the Number of Swiss Protestants, which he hath obliged Himself to carry to that Province. We are humbly of Opinion, that His Majesty may be Graciously pleased to Indulge the said Col. Purry in these Requests and that Instructions, should be given accordingly to the Governor of South Carolina.

We are

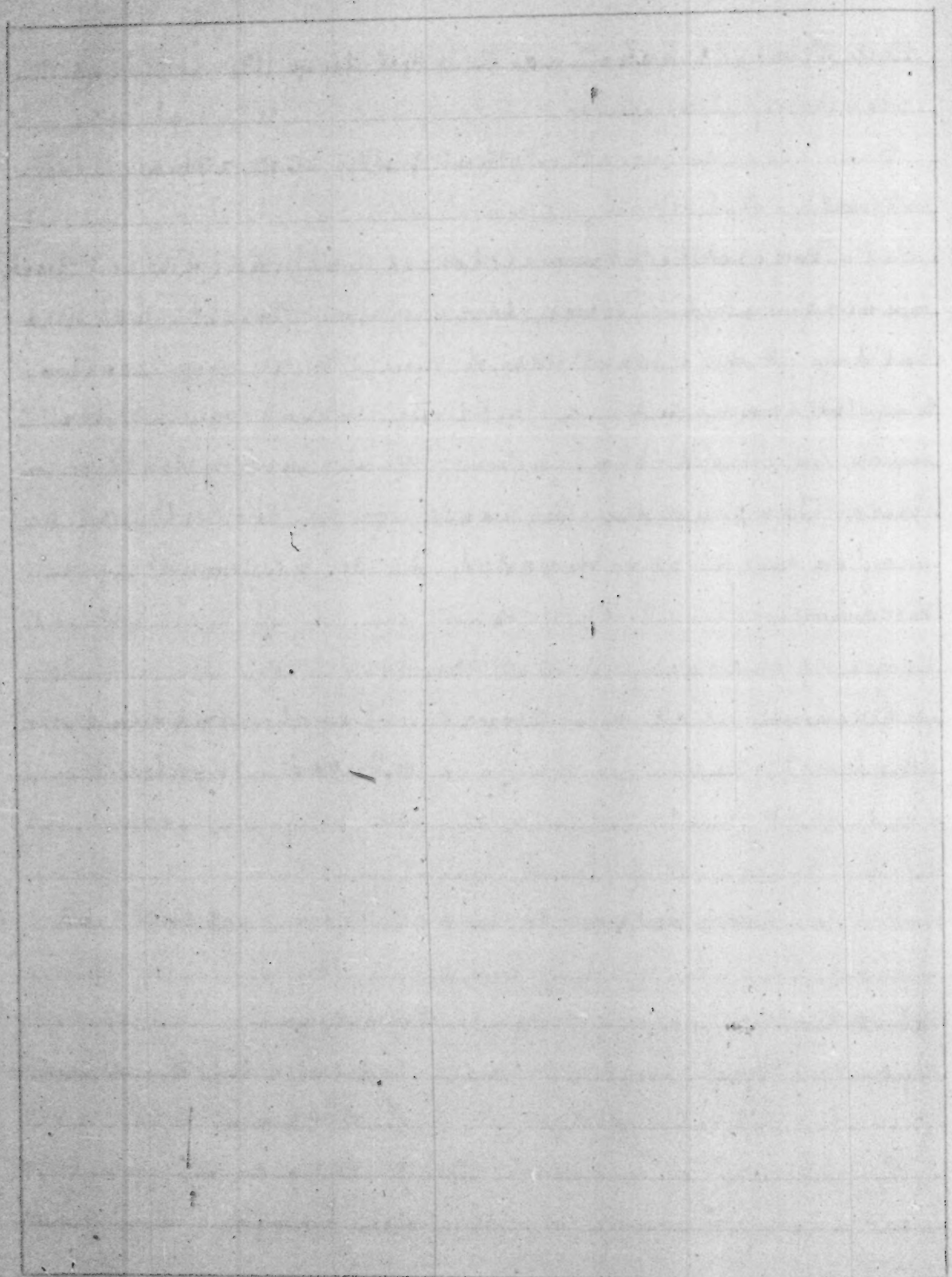
My Lords,

Your Lordship's

most obedient & most humble Servts

Whitehall
Septembr 5th 1734.

J. Pelham
M. Bladen
Ar. Croft



B.P.R.O. S. Carolina B.T. Vol 26 p. 113.

10th Sept. 1734.

To Jno Willes Esqr attorney Genl

Sir,

My Lords Commissioners for Trade & Plantations finding by your letter to me of the 7th inst that Wednesday 9th of next Month will be ye more convenient day for you and Mr Sol. Genl to meet my Lds Comrs upon ye Subject of ye Quit Rent Law of South Carolina Their Lordships have agreed to that day accordingly & commanded me to acquaint you therewith. I am

Sr

Your most obedt & most humble Servt

Alured Popple.

Whitehall
Septr 10th 1734.

A like letter to Dudley Rider Esqr Sol. Genl.

B. P. R. O. South Carolina B T Vol 6. E 35.

(10th September 1734)

Sr

Herewith you have the Traders Remarks on, and Observations occasion'd by, the Remonstrance of the Governor, and Council, and Assembly of South Carolina, to his Majesty, which Mr Bragg and Mr Hewlett, in in behalf of the Traders of the City of London, and Myself, in behalf of the Traders of the City of Bristol. Desire you will Lay before the Lords, at their first Meeting, and which, you had had much sooner but that We were willing to be satisfy'd of some particular Facts from Your Office, and when all was put together, that all the most considerable Traders should have the Perusal of what, so nearly, concerned them. Having said this, in excuse for your not having had this Paper much sooner. I am to request, in behalf of the City of Bristol. That the Traders being apprehensive, from the Remonstrants informing his Majesty, that the Negroe Trade is a Species of Trade that has exceedingly increased of late Years, that whenever his Majesty shall, in Tender Regard to his Trading Subjects, and for the General Interest of the Province of Carolina and its Mother Country, Disapprove the Act or Acts imposing

imposing, or continuing Dutys on Negroes, the Assembly will prohibit the Importation of Negroes into that Province; that the Governor may be laid under a particular Injunction, on this Head. For the Preservation of part of a Branch of Trade, which has been always Judged highly valuable to Great Britain, by the Extending and Better Settling of his Majestys Plantations in America. And that as the Governor and the other two Branches of the Legislature, have shewn so little Regard to his Majestys Instructions, they may be made easy (by the Governor being particularly Instructed in these Points) from the Apprehensions they are at present under, of having additional Impositions laid on the Trade of this Kingdom, to that Province, and an additional Creation and Establishment of a Paper Currency in it; since the Remonstrants in one Part of the Remonstrance, declare, "That the raising of Money for the necessary charges of the Government is now very Burdensome, and in case of a War, would be very Grievous," And in another Part "That since the Subjects of this Province have had the happiness of being under his Majestys Care and Protection, they have found a very sensible Increase of their Trade, which naturally

requires

'requires an Increase of their Currency' And it is certain, that the continuance of the Duty on Negroes and all other the Requisites for Planting, is a very great Discouragement to the Commerce of this Kingdom, and the better Settlement of the Colony of Carolina; So, it is a Fact not to be deny'd, That by reason of an additional Sum of Paper Credit created and made current in all Payments, by Act of Assembly in Carolina, not many Years ago, the Exchange rose from 300 to 700 Carolina Currency for £100 Sterling which brought a loss of 31 per Cent on all Persons Trading to that Province, who had any Debts owing in it. And nothing is truer than that the extending of Paper Credit will not, either help or increase the Trade, no more than pay the Debts of any Country, unless there is an Assurance of money, at all Times, for such Paper Credit. If therefore, the General Assembly of Carolina will shew themselves in Earnest, and are heartily desirous to increase the Settlement of that Province, and extend its Trade, the most certain, and most effectual Means of doing it will be not to impose any additional Duty on Negroes, or any othe the Requisites necessary for the making of New or extending old

Old Plantations, or to create and Establish any New Paper Currency; but on the contrary, to raise no Money by Dutys on Negroes, or any other the Requisites for Planting, and to make immediate Provision for the Discharge of all the Old Paper Currency. And this in rendring this effectual, it may occasion the present Possessors, or Proprietors of Estates in the Province, or those who have the greatest Property, or Income in it, to pay annually, a greater Sum of Money to the Support of the Government, and the Discharge of the Public Debts, now owing than they may annually do at this time, or may have annually done for some Years past; yet this will be but for a very small Space of Time, since it will consequently follow from it, That as it will necessarily occasion the better Settlement of the Province the Increase of its Inhabitants and the extension of its Commerce, it will soon relieve them from the Payment of Taxes which they may immediately find themselves necessitated to pay, by taking this step, from an Increase of the public Revenue on all Liquors, and all other Commoditys Imported, which are necessary for the better Convenience of Life, as well as serving for Luxury: And in a very

short

short Time they will have many more People to bear the Proportion of the Taxes which may be hereafter necessary to be Imposed towards the Raising of the Sums of Money which may at any Time be wanted for the Support of the Government, and all other publick Services, over and above the Dutys of Importation on such Commoditys that are not Requisites in Making New, or extending Old Settlements. And even those who are Proprietors of Estates in the Province whilst they are under any extraordinary Taxes on this Account, will find themselves partly if not wholly, made Amends, in the Advance Price of the Product of their Plantations and in the Lowering of the Price of all Commoditys Imported it being certain, from Experience, that as the Number of People increase in any Country, the Publick Revenue does, proportionably increase, and that the lesser the Dutys imposed on all Commoditys, the larger will be the Importation of Commoditys will occasion the greater Number of Ships to come to any Country, this must, necessarily, advance the Price of the Product of such Country. These will be the necessary and certain Consequences, which will be attending the present Possessors of the Property in Carolina by this Step being

being immediately taken, and strictly pursued, by the Legislature of that Province; and this is a Step which it is Demonstration to me the Governing Powers in Carolina may safely take, and easily render Effectual, notwithstanding the very dismal Circumstances the Remonstrants have represented this Colony to be in. For were the public Debts much Greater than they are, by any Information I am able to obtain of them; A People whose annual Exports are to the Amount of £ 110,000 Sterling a Year, That have so Great Tracts of Land, and so great a Number of Servants, Slaves and Cattle upon their Settlements; Whose annual Incomes from their Lands, is so very Large, And that have so considerable an Inland Trade and so Great Profit resulting to the Inhabitants from it cannot possibly, be at a Loss to make a Speedy and effectual Provision for them without putting the whole, or any part of the Country into Confusion.

I beg You will excuse my troubling you, with these further Observations which I intirely submit to You, to Lay, or not (as you judge proper) before the Lords, with the Request I make, in Behalf of the Traders of the City of Bristol, who am with Great Truth,

Sr

Your

Your most humble Servt

Septem: 10th 1730 Wm Wood.

(Enclosure)

To the Right Honorable the Lords Commissioners for Trade and Plantations

Remarks upon, and Observations occasioned by the humble Remonstrance to his Majesty of the Governor Council and Assembly of his Majesty's Province of South Carolina, &c. and in Behalf of the Merchants of Great Britain Trading to the said Province.

The Traders of this Kingdom to his Majestys Colony of South Carolina have been long in expectation, from Your Lordships Report made the 22d of March 1729/30 (on the humble Petitions of the Merchants of London and Bristol, complaining of an Act passed in that Province on the 20th of August 1731, Entitled, 'An Act for Appropriating the Sum of One hundred and four thousand, seven hundred seventy five Pounds, One Shilling

'Shilling and Three Pence Farthing to payment of the
'Public Debts') to the Right Honorable the Lords Com-
mittee of his Majesty's Most Honorable Privy Council,
of a Determination, one way or other, of the Dispute
between the Agents in behalf of the Governor, Council
and Assembly, and themselves, on account of this Act,
and; withall to their intire Satisfaction; since Your
Lordships were pleased to observe in Your Report 'That
'by the Distribution made of the Sinking Fund, by
'the Act, the Intention of the Crown for the more
'effectual Peopling of South Carolina, is, in part defeated,
'and by allowing an Interest of Five per Cent per
'Annu, upon the New Orders of £ 104, 775. 1. 3½ the
'Produce of the Duty upon Negroes, computed at £ 8500
'per Annum, will not be sufficient for the Discharge,
'even of this New Debt, in some Years, but will leave
'a Deficiency of about £ 22000 at the End of that Term,
'bearing an Interest of Five per Cent which must
'be provided for, either by the Establishment of a New
'Fund, or a Continuation of the Old one, in which Case,
'the Negroe Duty could not be apply'd to cancel and
'sink the Old Bills that subsisted, in 1723. before
'the Year 1741, which will be a great Hardship upon
'the Merchants of this Kingdom, and an ill Return

for

for their Acquiescence in the Suspension of the Sinking Fund for seven Years, in Order to the better Settling, and for the public Prosperity of the Province; And to what Your Lordships have so fully, and justly observed on the Occasion proposed to the Lords Committee to Lay the Act before his Majesty for his Disallowance. But, to the great Concern of the Traders to South Carolina, instead of such Expectations being answered, they find the said Report of Your Lordships referred back to you, with the two Papers, for Your Consideration and Opinion; which two Papers We take Leave to make a few Remarks on, and Lay the same before Your Lordships

And the First we shall begin with, is the Remonstrance of the Governor Council and Assembly.

The Traders are heartily sorry for any of the Calamitys, which the Remonstrants say, have befallen this Province; and as the Traders have, most of them, been great Sufferers from them, so in whatsever way, the Debts of the Province have been provided for, whether in the first Instance, by creating Bills of Credit to provide for them, or in the second Instance, by the laying and collecting of Duties on Merchandize Imported to sink such Bills of Credit,

they

they have mostly contributed this to their Great Loss and Damage, and the Lessening of their Traffic to that Province; And they have never made any one Remonstrance, Against any Act of Assembly, or any Thing done in Carolina, unless it apparently affected the Trade of this Kingdom and the better Settlement of the Colony, at the same time that it affected their particular Interest or Traffic; And therefore, it is matter of great Concern and Surprize to find the Petitions which occasioned the Reports made by Your Lordships, so loudly complained of, in this Remonstrance, and to have it advanced in it, that the Allegations are unfairly stated.

It may be true, as the Remonstrants set forth, "That the Appropriation Law took its Rise "from his Majestys Royal Instructions to his present "Governor," For we apprehend, without such Instruction, the General Assembly could not have passed a Law suspending the application of the Sinking Fund, or at least, without it, the Governor had not any Authority for assenting to such a Law. But his Majestys Instruction, which the Remonstrants refer to, is far from Giving to the Assembly any Allowance for the passing, or to the Governor, any Power for the Assenting to

to, a Law in the manner this Act is framed, the Instruction, on the contrary, only setting forth "that there is at present a certain Act in Force, in South Carolina, Entitled, An Act for calling in and Sinking the Paper Bills of Credit, and that part of the Dutys imposed by the said Act is applicable for and towards the discharging and sinking the Bills of Credit now current; and it has been Represented to his Majesty, that it would be a great Encouragement, for the more speedy and effectual settling of the Province, if the Assembly were permitted, for the Space of seven Years, to apply the Produce of such Revenue arising from such Act, as is now appropriated to the Old Bills, to the Charge of Surveying and laying out of Townships, and to the purchasing of such Provisions and other Necessaries for any poor Protestants that shall be desirous to settle in the Province; therefore his Majesty was pleased to comply with the Request of the Planters and Merchants, in this Particular, and Impowered the Governor to Give his Assent to a Clause in some Act for suspending the first Design of the afore-mentioned Act, and for applying the said Sinking Fund, for the Space of seven Years, to the Purposes aforesaid, but on these express Conditions,

First

"First, That the Assembly do pass an effectual Law
"to answer the Purposes of the foregoing Instruction
"For Registring and Regulating the future payment of
"Quit Rents, in the manner therein Directed; Secondly,
"That the Clause of the Suspension be made Part of
"the same Law; And Thirdly, That a particular and
"distinct Account be kept of the Money so apply'd
"by an Officer to be appointed by the Governor for
"that Purpose, who shall, annually transmit the same
"attested by him, to the Commissioners of the Treasury
"and Commissioners of Trade and shall be first audited
"by the Auditor General, or his Deputy, for the Time
"being"

If this be a true Extract from his Majesty's Instruction to Mr. Johnson his Majesty's present Governor of South Carolina, then we are very sure, neither the Remonstrants have by their Remonstrance, shewn, nor will any Person, in Behalf of the Governor, Council and Assembly of Carolina, be able to shew, That the Act now complained of, and which is under Your Lordships immediate Consideration, is passed in pursuance of, and in conformity with, his Majesty's Royal Instructions. But this is admitted by the two following Passages of the Remonstrance itself.

The

The one running in these Words. "The Appropriation
"Law took its Rise from his Majesty's Royal Instruct-
"ions to his present Governor, allowing him to Assent
"to a Law, that the Duty on Negroes might, for
"seven Years, be continued, and the application thereof
"suspended from calling in and sinking the remaining
"Part of the Paper Currency, and the same be appro-
"priated to pay for the Surveying his Majestys Town-
"ships, and the Passages, Provisions and Tools of poor
"Protestant Familys that should come to settle for the
"Defence and Improvement of the Province.

The other in these Words: "All which things
"the said Law provided for, by appropriating the Sum
"of £5000 Currency for the Purposes specifyd in his
"Majesty's Instruction; which Sum deeming an annual
"Sufficiency to accommodate the Number of poor Protes-
"tants should come, and as the rest of the Fund
"would lye dead, unless immediately appropriated, there-
"fore, they thought it a becoming Oeconomy to apply
"the rest towards the Discharge of a Debt which
"was due from the Public on account of Indian Presents
"Forts, Scouts, Garisons and Rangers.

The Remonstrants, by the first Paragraph, admit
"That the whole Money arising by the Duty on Negroes
was

'was Appropriated for the Surveying of Townships, and
'the Passages &c. of poor Protestant Familys.' And by
the other, they admit, 'That there was Appropriated
'only £5000 Currency to that Service, and the residue
'to Purposes, not warranted by, or in any sort, agree-
'able to his Majesty's Instruction.' But this Misapplication
of the Money arising by the Duty on Negroes is
not the only Instance wherein the Governor, Council
and Assembly have disregarded his Majesty's Instruction.
They have done it in the following Instances. First in
not passing an effectual Law, For Registring and
Regulating the future Payment of Quit Rents. Secondly: In not making the Law suspending the Act
allowed by his Majesty's Instruction to be Suspended,
Part of the Act, For Registring and Regulating the
future Payment of Quit Rents. And Thirdly, In not
taking Care, that a particular and distinct Account
should be kept of the Money so apply'd and trans-
mitted.

Thus it plainly appears, That however the
Appropriation Laws might take its Rise from his
Majesty's Instruction, yet, his Majesty's Instruction
was far from being the Rule, which, either the
Governor, Council, or Assembly walked by, in passing it.

And

And, if Your Lordships will be pleased to turn to the Petition of the Merchants which the Remonstrants make Mention of, Your Lordships will find, that there is not the least colourable Pretence for their saying "That they are at a Loss to know, on what "Foundation the Petitioners should so confidently complain to his Majesty against the Continuance of the Negroe-Duty Act, and the Paper Currency, when some of these very Petitioners, with several other Merchants of the City of London, did heretofore, petition the Right Honorable the Lords Commissioners for Trade and Plantations to recommend to his Majesty, that he would allow the General Assembly to pass an Act, that the Law for sinking the Paper Currency might be suspended for seven Years, which his Majesty by his Royal Instruction, was pleased to admit. Yet this very Law, the Petitioners now oppose and indeavour to get Disannulled by his Majesty; so that they are very unfortunate to be under a Necessity of answering Complaints against a Law which took its Rise from themselves" Since the Merchants in their Petition to Your Lordships, only set forth "That being informed, Your Lordships had under Consideration the Paper Currency of that Province, they beg leave to represent, That the

the Yearly Exports of the said Province amount to upwards of £100,000 Sterling; and they humbly pray, that in regard the said Province is already under a heavy Debt, occasioned by the late Indian War, and the Forces are obliged to be kept in Pay, on the Frontiers, that Your Lordships would represent their hard case to his Majesty, that he may be Graciously pleased to allow the General Assembly of that Province to call in all those old Bills, and in Lieu thereof to stamp and issue £100,000, and no more, in Paper Bills of Credit; and that the Law now subsisting for sinking of the Paper Currency be Suspended for seven Years, and the Sums arising thereby be annually applyd towards the buying of Tools for such poor Protestant People that will go and settle there.

Had the Remonstrants given themselves the Trouble of reading this Petition, they could not possibly have been at a Loss to have known, on what foundation the Merchants so justly complain to his Majesty against the Continuance of the Negro Duty Act, and the Paper Currency; nor could they have said "That they are very unfortunate to be under the necessity of answering Complaints against a Law which took

its

"its Rise from themselves." For had they first read this Petition, they could have been in no want to be informed why the Merchants so justly complain against the Continuance of the Negro Duty &c. because it is raised upon them to pay Debts, which was neither expected by the Merchants, nor intended by his Majesty, when some of the Merchants proposed and agreed to, and his Majesty allowed, the Suspension of the Act, whereby the Negro and other Dutys &c were appropriated to the sinking of the old Paper Currency, for seven Years, and applying the Sums arising thereby to the buying of Tools and Provisions for such poor Protestants that should go and settle in Carolina. Nor could they have had the Assurance to charge some of them "of making Complaints against a Law which took its Rise from themselves" because they must then have found, that the Charge was intirely false, and without any the least Foundation. Nor have been at a Loss to know, why the Merchants complained against the Paper Currency because, they would then have found, that the Merchants only desired the £100,000 subsisting in Paper Credit might be current, whereas, by the Act complained of, there was Created, and Established a New Paper Credit of

Two

£104,725-1-3½, which, together with the Sum of £106,000, Old Paper Currency, made the whole £210,726-1-0½ A Sum more than double to what the Merchants either proposed, or agreed to, by their Petition, or indeed expected (when Governor Johnson went from hence to his Government) would ever have been Created, Established or Current in Carolina. Since Mr Johnson in answer to some Queries sent him by Your Lordships, gives it as his Opinion. "That £100,000 in Paper "Currency is a just Medium between the Merchants "and Planters", and since, in the Preamble to Mr Johnsons twentyeth Instruction, It is Recited, "Whereas "great Inconveniencys have, have heretofore, happened "in South Carolina from issuing large Sums of Paper "Credit, without sufficient Funds for the Gradual "Repaying and Cancelling the same", and for that Your Lordships have so often, and so strongly represented, "the Prejudice which the allowance of Paper Money in any one of the British Plantations must be, to the Trade and Navigation of this Kingdom.

Perhaps, the Assembly might imagine, that the Sum of £5000 Currency might be deemed an Sufficiency to accommodate any Number of Protestants that could be Expected; but how great Probability,

either

either the Governor, or any of the Council or Assembly might have for this, in their private Capacity, it was no Reason for any one of them, in their Legislative Capacity, to disregard his Majestys Instruction, in so extraordinary manner as has been already shewn; nor to suspend the Law appropriating Funds to the sinking of a Paper Currency, which had been long subsisting and passing a New Law Creating and Establishing a New Species of Paper Credit to answer and pay Debts contracted after the old Currency was Established; and by such Law, applying all the Money arising by the Funds suspended (but £5000 Currency) when the whole was directed to be so apply'd to the sinking, or paying the New Paper Credit. If the Surplus of the Funds over and above the £5000 a Year, had been Appropriated to the sinking of the old Paper Currency, there might have been much more Credit given to what the Remonstrants say. "That £5000 Currency a Year was deemed a sufficient Provision for Poor Protestants coming over to settle in Carolina;" but as Matters were ordered, it is far from being uncharitable in concluding, that the Makers of this Law had very little Regard, either to the better Settling, or the public Faith and Credit of

of the Province. For certain it is. If £5,000 Currency a Year become sufficient to answer the Expence of all the New Comers or Settlers, on the Encouragement of the Government; it was owing to the Disregard shewn to his Majesty's Instruction, by misapplying the greater part of the Funds intended for this Service only, to the paying of Debts occasioned by arrears of a Tax laid in the Year 1726, and by their refusing to Tax themselves to answer the public Expence for four Years together, which, in Honor and Justice, should have been otherwise provided for; Since when People came to understand what the Sum apply'd, only amounted to, and how the Money over and above the Sum of £5000 had been directed from this Service, they immediately gave over any thoughts of incouraging new Settlers to come to the Province, apprehending from the great Things to be done by Colonel Purry, that this Sum would not be more than sufficient to comply with the Encouragement promis'd to him, and as the Swissers paid their own Passages, it was only owing to Paul being left behind, that the Number agreed upon was not compleated sooner notwithstanding the Assembly's beating down the Terms (as low as

in

in the Nature of Things it was possible) with Col-
-onel Purry in order to the saving of —— Money
out of the Dutys, towards the Discharge of the
Debts which were unprovided for, till the Governor
and General Assembly appropriated all the Money
arising by the Duty on Negroes and other Merchan-
-dize (Except £5000 a Year Currency) to such Service,
in direct Violation of his Majesty's Instruction already
recited. But to shew that the Assembly did not,
by appropriating only £5000 a Year, make a sufficient
Accommodation for any Number of Poor Protestants
that should come, We beg leave to inform Your
Lordships, First, That the Assembly had, early a
Design, wilfully, to evade his Majesty's Instructions
For the better Settling of that Colony, and were fully
satisfy'd £5000 a Year would not answer the intend-
-ed good Purposes of his Majesty, does appear, by their
coming to a Resolution, on the 17th of March 1730
(which was before the passing the Appropriation Act)
"Not to give Encouragement to any other Person or
"Persons, save to those to be Imported by Colonel Purry".
Secondly, That in January, After passing the Appropriation
Act, Captain David Crokat, a Commandr of a Ship
in Carolina, presented a Memorial to the General
Assembly

Assembly," praying an Incouragement For the bringing in
'Palatines, and other Protestants, in order for the strength
'ning and Better Securing the Province, by being put on
'the same Foot with Colonel Purry." Which Memor-
ial of Captain Crokat's the Assembly, no otherwise
regarded, than ordering it to lye on the Table; And,
tho the Sessions held to the 3d of March, the Captain
could obtain no Answer by which Means, this laudible
Design of Captain Crokat's was frustrated. And Thirdly,
that Mr Samuel Wragg did, by Letters to the Governor
of Carolina, propose and offer to import into the
Province 200 or 300 Palatines, on the Terms made
and on the Allowances given to Colonel Purry, for
importing of the Swiss. But tho this Letter came
under the Consideration of the Assembly, Nothing
was done upon it, no more than upon Captain Crokat's
Memorial, because the Money intended for the
Purpose, was before appropriated by Act of Assembly
to another Service. And notwithstanding the Re-
monstrants say, 'That if a greater Supply should be
'wanting it was agreed by the Governor and Assembly,
'that from Time to Time, Provision should be made
'for the same,' yet when Captain Crokat's Memorial
and this Letter were under their Consideration, it was

not

not done, or so much as proposed to be done, which shews how little Regard is paid by a General Assembly to their own Resolutions (if any such Resolution was ever made) for a suitable Provision, from Time to Time, if a greater Supply was wanting, and from these Instances it may be fairly concluded, that it has been owing to the Misapplication of the Fund intended by his Majesty for this Service, that a much greater Number of New People have not been Transported to South Carolina, since the Month of Augst 1731.

The Merchants thought themselves very well justify'd by the Words of the Act itself in charging, what the Remonstrants call Orders, a further Sum of £ 104 ℔ 20. 1. 8½ of Paper Credit, and the Traders conceive these Orders must be deemed an Increase of Paper Currency, the Public obliging every one to whom they were indebted to take them, or go without Payment of their Debts, and making them a Tender in all Payments for Dutys. by which, and allowing the Interest of 5 ℔ Cent ℔ Ann thereon, the circulation of them was rendered the more easy; And as the Dutys amounted to £ 8000 a Year more than the Amount of the

Orders

Orders directed to be cancelled, the Surplus Orders taken in for Dutys have been, and are continued to be Re-issued to such as had, or have, any Demand on the Treasury, on account of surveying Townships, providing the Public with Provisions &c And as it did not appear to them, at the Time they presented their Petition, that £37000 of these Orders were cancelled; so, notwithstanding the Remonstrants say the rest are inforced by way of Payment, only in case of the Merchants are made receivable by the Treasurer for the better Discharge of Dutys, and are all to be sunk as they come into the Treasury in course of Payment, and must be sunk within the Space of four Years, at which Time by their Tenor, they will totally expire. Yet, Nothing is more certain, that whenever these orders are sunk they will be sunk by Moneys arising by Dutys which were appropriated to sink the old Paper Currency, the sinking of which was agreed to by the Merchants, and allowed by his Majesty, to be Suspended, only to incourage the better Settlement of the Province, and on no other Account whatsoever. But, since the Remonstrants allege, 'That £37000 of these orders 'were immediately Sealed up in the Treasury, and were never

'never issued, but faithfully cancelled by a Committee
'of both Houses." the Traders by leave to observe
that the Remonstrants are far from setting this
Matter in a true Light For that, on the 20th
of November 1731, the Upper House sent the follow-
ing Message to the Lower House of Assembly.

Mr Speaker and Gentlemen
of the Assembly.

"This House is of Opinion, that the £ 40000
'due to the Publick for Dutys before the 25th of March
'last, was designed, and it is absolutely necessary
'they should be cancelled, as well as the £ 5000 p
'Annum. And We are Satisfy'd, the Credit of the Orders
'depend very much on the due Observation of the
'Intention of the Law. We therefore propose that a
'Committee of Both Houses be appointed, to see that
'Arrear cancelled every Ten Days; and We have ap-
'pointed Colonel John Tenwick and Joseph Wragg Esq
'to be of the Committee of this House for that
'Purpose

Nov: 20th 1731 Wm Bull

"On the Reading, and after the Debating of
'this Message, the Lower House came to the following
'Resolution.

Resolved

"Resolved, That Mr. Jennings, Colonel Prioleau "and Mr. Pinkney be a Committee to Bring in a Bill "for cancelling the Sum of £40,000, in Orders issued "by Vertue of the Appropriating Act, and that the "said Bill be prepared and brought in, at the Sitting "of this House next. And, immediately, sent a "Message to the Upper House to acquaint them with "such Resolution, Declaring therein, that the Appropri "ation Law had made no Provision for that Purpose.

But notwithstanding these Messages and Reso. lutions no Bill was Brought in, or any care taken for the cancelling any of these orders; and on the 12th of May 1733 these very Orders of £40.000 were subsisting. And, so far were the General Assembly from preserving the public Faith, by duely cancelling the same, that a Committee of Both Houses reported it, as their Opinion, "That an Act of Assembly "should be passed for Re-issuing these very Orders of "£40,000." From all which it appears.

First, That they misapply'd £40,000 in the Treasury arising from the Sinking Fund, before the 20th of March 1731, as well as the Produce of the said Fund, from that Time, to the 20th August 1731; and that two Years of the seven being elapsed, before

before the passing the Appropriation Act if the Assembly had Acted, agreeably either to his Majesty's Instruction, or the Merchants Petition, the said Act should only have been passed for the Term of five Years.

Secondly, That the creating this £40 000 of orders (as the Sum of £80 000 is Declared, by the Act to be in the Treasurer's hands) was creating more Orders than was necessary.

Thirdly, That the whole £104,720 - 1 - 0½ (in which is included the £40,000) was issued.

Fourthly, That the Assembly had no Real Design of cancelling the same, had it been possible to have been avoided.

Fifthly, That as, in not duely cancelling these Orders, the Assembly shewed not any Regard to the public Faith of the Province, so by keeping these Orders on foot they have raised the Price of their Product, to the prejudice of the Traders of Great Britain, and all others who have had any Debts owing them in the Country.

Sixthly, That the £27,000, Part of the £40 000 were not cancelled till after the Assembly had Notice of the Complaint of the Merchants of London and

Bristol

Bristol of this Breach of Faith.

Seventhly, That by the said Act, there ought to have been cancelled, of these Orders, due before the 25th of March 1731, £40.000, which Sum, with three Years Income of £8.500 Appropriated by this Act to this Act to this Service, makes up the whole Sum of £65.500; and, therefore.

Eighthly, That by the Remonstrants' own Representing, it appears that the Assembly have not paid a due Regard to their own Act; For that, by not cancelling more than £27000 hitherto, of these Orders, they have suffered a Misapplication of £38.500, of the Money appropriated to this Service by the Act passed in the Province of South Carolina, the 20th August 1731, Intitled, 'An Act for Appropri
'ating the Sum of One hundred and fourr thousand, 'seven hundred twenty five Pounds One Shilling and 'Three Pence Farthing, towards the Payment of the 'Public Debts

The Traders are not a little surprized at the Remonstrants calling the Assembly's Attempt to issue a further Sum of £200.000, 'a Scheme for giving 'their Currency a Value' Whereas over and above the New Orders, there is subsisting a Paper Currency of £106.000

£106,000, and this £200,000 was to be a new additional and distinct Sum of Paper Currency; And as the £106,000 is yet without any certain Value ascertained, having no Fund subsisting for the Payment of it, so it appears by the Draft of the Bill Entitled "A Bill for the Stamping the Sum of £200,000 in current Bills (which is equal to £140,000 Proclamation Money) to be let out at Interest, and For Settling a Salary on His Excellency the Governor, during his Administration, and for assisting the Settlement of Georgia, and For Building Fortifications &c" That the said £200,000 of Bills would not have had any real Value ascertained to them; and tho' the Remonstrants hope still to effect this Scheme, because of its Practicability and Convenience (as they weakly imagine) as well to the Trading, as the Planting Interest. Yet the Traders promise themselves, That it will, never be allowed to be put in Execution, since, it is self evident, that the increasing or extending of Paper Money will, necessarily, be prejudicial to the Propertys of those who are Exporters of the Product and Manufactures of this Kingdom, with other Goods and Merchandize to the Province of South Carolina. And this the Traders have, fatally experienced by the

the Addition of £ 40,000 New Paper Currency in the Year 1722. by which they lost 30 ℔ Cent on all their out standing Debts, and by the Addition of these New Orders, by which they have lost from 12 to 15 ℔ Cent.

As the Remonstrants hope, 'That his Majesty 'will be Graciously pleased not to deprive them of the 'many Advantages accruing (as they again weakly imagine) 'to his Majesty, from the Continuance of the Duty 'on Negroes Imported;' So the Traders also hope, they shall partake of his Majesty's Goodness, in easing them of the Payment of a Duty so Greatly Discouraging to the Trade and Navigation of this Kingdom, and so particular a Hardship upon, and so great a Grievance to, the Traders to the Coast of Africa. And tho' the Remonstrants say, 'That the 'Duty of $10 a head Carolina Money, is only equal 'to £ 1. 8. 6 Sterling;' Yet, all things considered, this certainly is a very exorbitant Duty, and such a Duty as is not imposed upon the Traders in Negroes at this Time, in any of his Majestys Plantations; And as in most of his Majesty's Colonys, there is not at this Time any Dutys Imposed on Negroes, payable by the Importer, so the Traders to Carolina

in

in Negroes have been a long Time in Expectation of being Relieved from the payment of this Duty (since so long ago as the Year 1729. they complained against it) and were far from imagining, that they should be obliged to the payment of it, at this Time since Your Lordships, upon such their Complaint proposed to his Majesty. "That the Duty on Negroes "should be made payable for the future, by the "Purchaser, and not by the Importer." And, as the Merchants who made the Complaint against this Duty were the occasion of this Proposal to his Majesty: and since, upon a further Consideration of the Duty on Negroes Imported in another of his Majestys Colonys, an Instruction was sent to all other the Governors of his Majestys Plantations, as well as Carolina "Requiring them not to give their Assent to any "Law Laying a Duty on Negroes payable by the "Importer" they cannot but think themselves to be very unhappy to be the last, upon whom the Payment of the Duty on Negroes is continued, when they were early Petitioners to be Relieved from it. And, unless they are now relieved by this Matter's being brought, at this Time, before his Majesty. and by him taken into his Royal Consideration, the

Traders

Traders must, necessarily, be obliged to leave off trading to a Country where such exorbitant Taxes are Imposed on their Commerce, and so little Regard had to the payment of their Debts; which they had many of them, certainly done some Years ago, but from the constant Expectation they have been in, that they should be eased of the Dutys so long Imposed upon their Trade, and have no additional Paper Currency, either Created or Established. And what less can be expected, than the Traders unanimously taking a Resolution of such Importance to themselves, tho' so greatly discouraging to this Kingdom, as well as the Province of Carolina, when the manner of the Assembly's Treatment of them is duly considered: First, by taking away a Fund which was Settled for the Sinking of the old Paper Currency, and applying the much greater part of its annual Income to the Payment of other Debts. Secondly, By establishing a double Quantity of Paper Credit, not only in direct Opposition to the Proposal which Mr Johnson induced the Merchants to make to Your Lordships, but contrary to the Words and Meaning of his Majesty's Instruction to Mr Johnson. Thirdly, By endeavoring to establish an additional Sum more of £200,000 Paper

Currency

currency; And 4thly, By shamefully neglecting to cancel the Orders under Pretence of a defect in the Law, which (if any such there be) it must be supposed was designedly so ordered.

If the training up many Negroes, now to Handicraft Trades be an Evil, it is an Evil of their own committing, and which the Assembly have in their Power to redress. But this is not to be expected from them, since not many Years ago, there was a motion made in the Assembly for Leave to bring in a Bill to prevent the training up to, or imploying any Negroes as Handicraft Trades-men, and such Motion was, almost unanimously rejected. It is very extraordinary to find the Remonstrants inferring, 'That the training so many Negroes 'to Handicraft Trades is owing to the much greater 'Importation of Negroes into Carolina, of late Years, 'than formerly. 'For (say the Remonstrants) The 'Importation of Negroes is a Species of Trade that 'has exceedingly increased of late, in this Province, 'where many Negroes are trained up to the Handicraft 'Tradesmen to the great Discouragement of those 'who come with a view of Employment in their 'several Occupations'. It might be justly concluded from this

this Passage, that the Remonstrants are of Opinion, it would be much better for the Province, that the Importation of Negroes were not near so great, did they not, in their Remonstrance, acquaint his Majesty, 'That should the Request of the Merchants be com-'ply'd with, it would be impossible for them to 'raise by any extraordinary Taxes, so large a Fund 'as the Loss of that Fund would require, and that 'the Sinking of the Orders, which are issued by 'the Authority of the Act under Consideration, prin-'cipally depend on the Duty upon Negroes. And also 'pray his Majesty, not to deprive them of the many 'Advantages accruing to them from the Continuance 'of the Duty on Negroes Imported.

The Traders are surpriyed to find the Re-monstrants intimating 'That the Petitioners are some 'of them utter Strangers, as well to the Proceedings 'as to the Condition of the Province.' They are almost all of them, either considerable Traders to it, or Persons who have great Concerns in it, and many of them have been Inhabitants in it, for a great Number of Years together, and perfectly acquainted with the several Allegations of the Petition, and have informed themselves of the Truth thereof, by having had Recourse

to

to the Acts of Assembly, Journals and Proceedings of Assembly, and all other Papers which they had an information would give them any Light into a Matter of so great Concern and Consequence to them, either as Traders to, or Persons Interested in the Welfare of Carolina. And, among other Papers, they have had Recourse to the Representation of his Majestys Council of Carolina to his Majesty, made the 19th of December 1738 transmitted under the Great Seal of the Province in 1729; by which it appears the Evil of Multiplying Paper Credit, and the dreadful Consequences attending it, to the British Traders Orphans, and others; and in which is declared of the Assembly, "That to Enumerate all the Laws and all the "Breuches of public Faith, in relation to their Bills "of Credit, would be endless, they having never observed "or kept any one Law whatsoever that ever they made "concerning their Currency." They have also had Recourse to an Act of Assembly passed in the Year 1717, when Mr. Johnson, the present Governor, was Governor, in the Preamble of which It is Declared, "That it was "found by Experience, that the multiplying of the Bills "of Credit had been the cause of the Ruin of the "Trade and Commerce of the Province, and ought, with all

'all Expedition, to be Remedy'd".

As the Traders were surpriyed to find the Remonstrants intimating, "That they were utter Strangers 'as well to the Proceedings, as to the condition of the 'Province", so they are perfectly, at a loss for an Explanation of the last, or concluding Paragraph of the Remonstrance. But notwithstanding what the Remonstrants suggest. "That the Petition was not duely 'weighed by all the Subscribers", it is not only very plain that they did weigh it duely, by making good the Allegations of it, which (in Your Lordships Judgment they certainly did, or else Your Lordships would never have proposed laying the Act which was petitioned against before his Majesty for his Disallowance) and, as the Subject Matter of the Petition concerned, equally as much the Subscribers to it who trade to Carolina, only in British Manufactures, as those who trade only in Negroes, or any foreign Manufactures, so it is a Suggestion without any Foundation of Truth to support it, "That it was projected by a few Negro 'Merchants, and some other designing Persons". It is both very unfair and unjust Treatment to lay so an Imputation on a Number of Traders, as is done by this Paragraph, when the only Thing desired, or

asked

asked, by any one, and in which every Trader unanimously agrees, is, that an End may be put to the raising great Sums of Money, annually, by Impositions on their Commerce, and that effectual Provision may be made for the Sinking of all Paper Currency, which points, if rendered effectual, will greatly increase the Trade and Navigation of this Kingdom, as well as the better Settling of the Province of Carolina

The Remonstrants are guilty of a very great piece of Prevarication in asserting, "That they had afforded the Settlement of Georgia Guards and Rangers at the Expense of £5500 a Year levy'd by a Tax (the unwary Reader would suppose a new Tax) upon the Inhabitants of the Province". Whereas the Truth is, that they have only removed such Guards and Rangers as had been kept up for several Years before to defend the Southern Parts, to a place further on the South side of Savannah River, and a Situation much more convenient, since the Arrival of the Georgia Settlement; and therefore consequently, that the Province has not been at any additional Expence, on account of Guards and Rangers for the Settlement of Georgia, on the contrary, it is a Fact

that

that the Expence of Guards and Rangers has not been, and is not, near so great to the Province since, as it was before the Settlement of Georgia And when the Remonstrants set forth, "that they had raised '£2000 for the use of Georgia', they ought in Justice, at the same time to have informed his Majesty That for the raising of the £8000 for the better Support of this Settlement, they have appropriated a Duty of Three Pence per Gallon, on Rum, to be paid by the Trader or Importer

As to the Remonstrants alleging, 'That a Loss 'would accrue to the Merchants, by the Destruction '(as they term it) of these Orders': the Merchants cannot possibly conceive how they can be prejudiced by it, nor how, "the whole Country must inevitably, be brought into Confusion, by annihilating them" when it is considered, that the Remonstrants themselves inform his Majesty. 'That their Exports are hardly 'short of £100,000 a Year Sterling.' A People that are Masters of such an annual Export cannot be at a Loss to Discharge a Debt of about £ 6,000 Sterling; and therefore, what they say on this head, seems to be urged by way of threatning the Merchants, and an open Declaration, at all hazards not to pay

Obedience

Obedience to his Majestys Instructions; and brings it into the Traders Minds to observe to Your Lordships, that by the Act of 1733 commonly called the Sinking Fund, only £55,000 of the Paper Currency was to be cancelled by the Money arising from the Dutys appropriated, and the remaining £38,000 was to be cancelled by a Tax on the Inhabitants for twelve Years, by equal Payments. But, instead of this being comply'd with, more than three Times the Sum of £55000 has been, since collected from Dutys; and the Assembly have not raised so much as One Shilling, by any Tax for the Discharge of the £53000.

As to the Petition of Colonel Parry, the Traders humbly hope, that was the Fact to come out just as he sets it forth, yet, his private Interest ought not to come in Competition with, and be permitted to weigh down the whole Trading Interest of this Kingdom to Carolina, together with the General Good of Carolina and Great Britain. But was this Act, and all other Acts imposing Dutys on the Trade and Commerce of Great Britain to be immediately Disapproved by his Majesty, yet a Stop of this kind, which would be so greatly beneficial

t

to this Nation as a Trading Nation, would not affect Mr Purry, or his Swiss Settlement, since it will appear by an account hereunto annexed, that of the Money apply'd to the Service of his Settlement there would be remaining in the Treasury more than the Sum the Assembly contracted to pay him, unless it is apply'd to other Uses. But, were not this the case, and a Deficiency should happen, it ought not to be continued to be raised on the Traders of this Kingdom to Carolina, but made good by Assembly some other way, and the Merchants not continued to be burdened with the payment of £ 13500 a Year, that Colonel Purry may have £ 500 a Year, since, as it has been already observed, that had not the Funds appropriated to the Sinking the Old Paper Currency (which, with the Merchants Consent, were Suspended to encourage Colonel Purry and others to transport poor Familys to Carolina) been mostly appropriated to sink a New Paper Credit, Colonel Purry would not have had any Occasion to have petitioned on this head, for the Money, which would, in such case, have been appropriated to this Service, would, by this Time, have amounted to a very great Sum, since there was a Surplus on the Duty on Negroes more than

than the Assembly computed the Duty would annually produce (between Christmas 1732 and Christmas 1733) of upwards of £10,000.

The Traders have now finished their Remarks upon, and Observations occasioned by, the Remonstrance of the Governor, Council & Assembly of South Carolina, and Mr. Parry's Petition; and promise themselves, they have shew to Your Lordships, That the Petitioners did not in the Petition which is complained of, state any Facts, unfairly, but that on ye contrary, there is not in the Remonstrance any one Fact fairly stated; and that the whole Remonstrance is a Paper made up of Nothing but evident Inconsist-encys and Gross Prevarications. And the Traders are very fully satisfy'd, not only that Your Lordships will agree with them in this Charge; but that when Your Lordships shall come to give the Remonstrance a particular Consideration, many more evident Inconsist-encys and Gross Prevarications will appear to Your Lordships than either their Time has given them leave, or the want of many Papers in Your Lordships Office, would probably have inabled them to have pointed out to Your Lordships. And as they humbly submit these, their Remarks and observations, to

Your

Your Lordships Consideration, for Your Lordships Judgment on the Point in Question; so the Traders are humbly, Petitioners to Your Lordships, that Your Lordships will be pleased to make the most possible Dispatch in the Re-consideration of Your former Report, and laying it before the Lords Committee; Assuring themselves, that Your Lordships will be of Opinion, that the raising of Money by Dutys on Negroes, or any other Commoditys requisites to, and absolutely necessary for, the inlarging and extending the Settlements in that Colony, is a Discouragement to the Commerce of this Kingdom; and, therefore, that all Acts imposing them should have his Majestys Disapprobation; That no additional Currency of Paper Credit be at any Time hereafter created and issued; and that effectual Measures ought to be taken for the gradual sinking or discharging all the Paper Currency now subsisting; and that, as very great Inconveniencys have arisen to the Traders of this Kingdom, by the passing the Act complained of, and other Acts in Carolina without a Clause inserted therein suspending and deferring the Execution thereof, untill his Majestys Pleasure be known, and by not sending home the Acts of Assembly, Minutes

of

of Council, Journals of Assembly, and Public Accounts of the Province; the Governor may be Strictly injoyned under pain of his Majesty's highest Displeasure duely to observe his Majesty's several Instructions on these Points which are so wisely calculated for the Benefit of His Majestys Trading Subjects.

But the Traders cannot conclude these Remarks & Observations without reminding Your Lordships that in one Part of each of the Petitions which occasioned Your Lordships Report of the 22d March 1730/1, the Petitioners very justly complain, 'That by the 'said Act, an exorbitant Duty of £10 a head is 'imposed and continued on all Negroes Imported by his 'Majesty's Subjects into the said Province, to the very 'great Discouragement of the Trade and Navigation 'of Great Britain,' and pray 'That no Dutys be im- 'posed for the future, on any Negroes imported into 'the said Province.' But that Your Lordships have not, in the said Report, taken any Notice of such part of their Petitions. Therefore the Traders beg leave to inform Your Lordships, that on the 30th of September 1727, An Act passed the General Assembly of South Carolina, Entituled, 'An Act for carrying 'on several Expeditions against the Indians and other

Enemys

Enemys, and for defraying the Charge thereof' By wch Act the several Dutys before appropriated for cancelling the old Paper Currency, are apply'd to the defraying the Expence and Charges arising by these Expeditions, and for the Re-payment of that Sum, the Duty and Imposition on Negroes is continued, for the Term of two Years, and from thence, until the Bills so made use of, should be called in and sunk, pursuant to the Act For calling in and sinking the old Bills of Credit, and to the End of the next Session of the General Assembly, and no longer; And that from the Dutys collected on Negroes, by Virtue of this Act, the several Sums of Money directed for the Service of the Expedition, amounting to £ 29177: 3: 7. have been raised and Paid into the hands of the Treasurer, consequently the Intent and Meaning of the Act comply'd with. And not only pray Your Lordships, that Your Lordships will give this part of their Petition a Reconsideration but, (that as the Agents for the Governor and Assembly have made a Declaration, that notwithstanding his Majestys Disallowance of the Appropriation Act, the Duty on Negroes would be continued to be collected under Colour of the said Act passed in 1727).

humbly

humbly request Your Lordships, that in Case this Act, or any other Act of Assembly, should inforce the collecting of the Dutys on Negroes, that Your Lordships will report it as Your Opinion, that such Act or Acts ought to have his Majestys Disallowance, as well, because every part of the said Act of 1727 is fully answered, unless in respect to the burning and cancelling of the Bills, which part of the Act was, notoriously evaded, by the Assembly's either directing, or suffering the Money raised by this Act to be diverted or apply'd to other Purposes as for the following Reasons.

First, Because when Complaint was made, in the 1729, against the said Act of 1727, by which the Duty on Negroes was revived, Your Lordships proposed to his Majesty, "that the same should be made payable for the future, by the Purchaser, and not by the Importer.

Secondly, Because the Governor of Carolina, was in consequence of such Your Lordships Proposal, Instructed, "Not to pass any Law, whereby Dutys upon Negroes should be made payable by the Importer.

Thirdly, Because this Instruction being founded on the Principles of Reason and Justice, it was thought of

of such Importance to the British Trade and Shipping as to be made a General Rule for all other his Majesty's Colony's in America.

And Lastly, Because Your Lordships in Your Report to his Majesty of the 21st of January 1731/2 Did humbly propose to his Majesty, 'That all the 'Governors of his Majesty's Plantations should be 'Directed to pay a due Obedience to his Majesty's 'Royal Instructions, whereby he has been Graciously 'Pleased to Forbid them to pass any Law, by which 'the Trade or Navigation of this Kingdom may be 'anyways affected.

London Sept 4th 1734.

F. Bragg
John Hewlett
Wm Wood.

Continuation of this heading on page 80

An Estimate of the Charge arising, by the Encouraging of Col Purry to Transport into that Province, Children, and for their Subsistance for One Year after

Dr.

Paid Col: Purry towards defraying his Charge of going to Savannah River to view a proper Place for a Township		150: 0: 0
Allowed Col: Purry as a Premium		2800: 0: 0
The Charge of Surveying &c the Township		300: 0: 0
Provisions for 260 Persons above the Age of 12 Years at 17/6 each		4312: 10: 0
Provisions for 50 Children, half allowance		406: 0: 0
Tools for 260 Persons at 4/ each		1000: 0: 0
Sixty Cows and Calves, at 8/ each		480: 0: 0
Sixty Young Cows at 3/ each		180: 0: 0
Contingencys at £6 a head		1500: 0: 0
		11327: 10: 0
Remaining to Ballance in the Treasurers hands on the 20th of Decem: 1734		7422: 10: 0
	£	18750: 0: 0

N. B. His List of Tools, and other Necessarys to be provided for the Persons Imported by Col: Purry, upon which the Computation of the Sums of Money intended in the above Estimate is made

To

To each Person above 12 Years of Age

8 Bushels of Corn and Pease
300 weight of Beef
50 weight of Pork
200 weight of Rice
1 Bushel of Salt

} To all under 12 Years one half of this Allowance

1 Axe
1 Broad & Narrow Hoe

} To each Male above 12 Years of Age

1 Cow, Calf, and Young Sow for every 6 Persons, with some Powder and Shot

Engagement of the Government of South Carolina. For One hundred able Men and Two hundred Women and their Arrival, and For Purchasing Tools and other Necessarys &c.

By £5.000 a Year out of the Proceeds of the Dutys appropriated for this Service from the 26th of March 1731, to the 25th of Decemr 1734, wch being 3 Years and 3 Quarters, makes £18,750.0.0

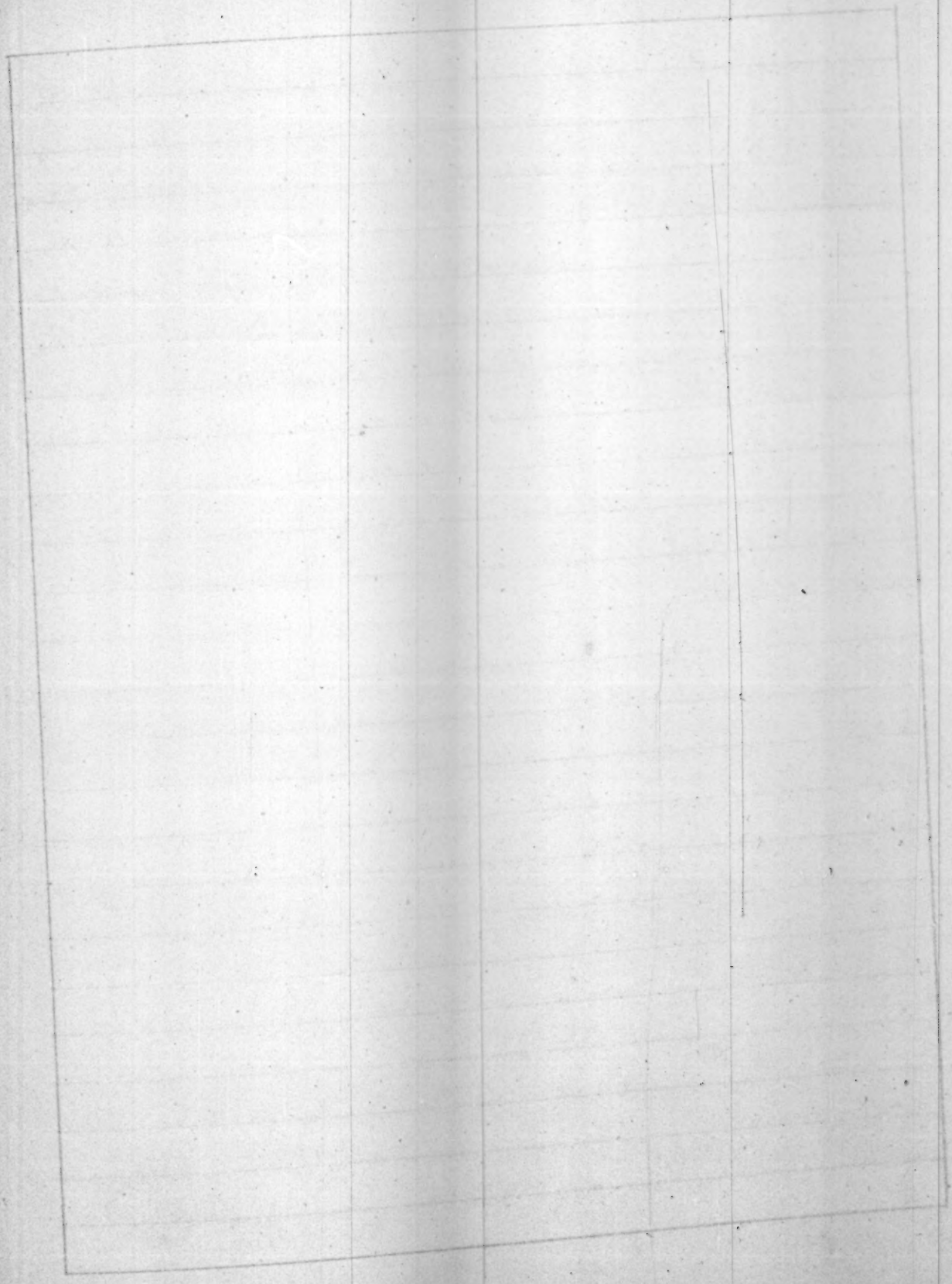
N. B. The Ballance of £7422.10.0, which is, and will be in the Treasurers hands at Christmas next, or Decemr 1734 will more than answer the performance of the Agreement which is entered into, by the Assembly, with Colo Purry, and the Expence of any additional Number of Swiss he may transport, over and above the Number upon which this Estimate of Expence is computed. But should this Sum not be Sufficient, the Assembly ought readily to answer it, since it appears by an Account in their Journals, that the Negro Duty which by the Appropriation Act, is computed to produce only £8,500 a Year, produced between the 26th of March 1731, and the 25th of March 1732, £12085. which is £3585 Surplus for that Year. And by other Accounts it is computed, that some Years since, it has produced a much greater Surplus; and between Christmas 1732 and Christmas 1733 upwards of £10000, there being Imported into the

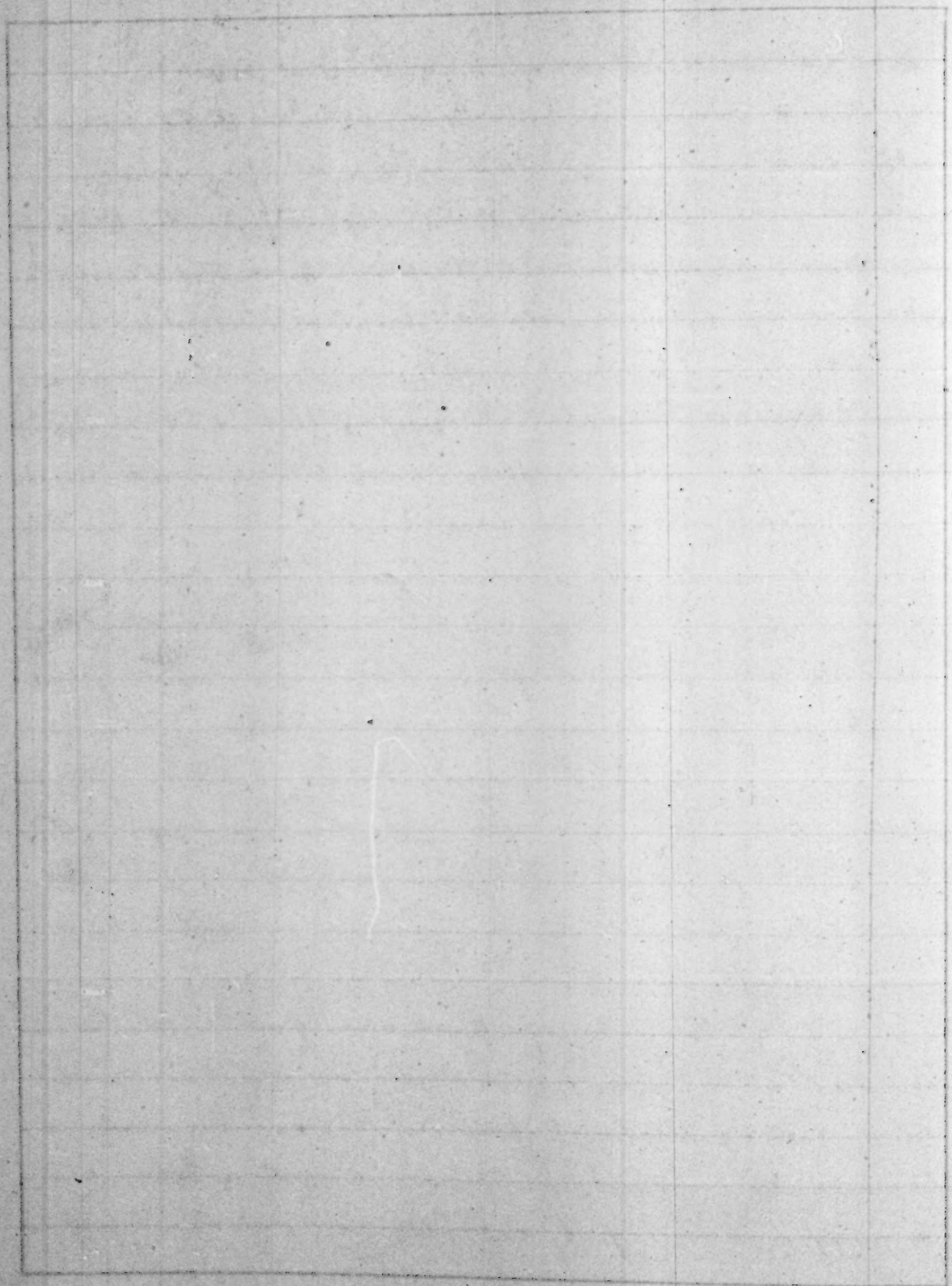
Province

Province, between this Period 2,735 Negroes. From which extraordinary Produce of the Dutys on Negroes, it may very justly be inferred, that unless there has been a Misapplication of the Money raised by the Appropriation Act, as there was a Misappropriation of the Funds by the said Act, in violation of his Majestys Instruction, there will be Money sufficient in the Treasury (before his Majesty's Declaration of Disapprobation of this Act can possibly arrive in Carolina) to answer and pay the whole of the £104,735. 1. 3½ Paper Credit, and to perform and make good the Contract with Col° Parry. And as the Traders observe this to obviate an Objection that is made by the Remonstrants, "that should his "Majesty comply with the Request of the Petitioners "by disannulling the Law for Establishing the Negro "Duty, the whole Country must be put into the "utmost Confusion, by annihilating those orders that "principally depend upon it." So they are so fully satisfy'd in this, that they give not the least Credit to what is further said by the Remonstrants, "of the "disannulling the Negro Duty's proving an irreparable "Loss to many British Merchants Trading to this Province, "in the hands of whose Factors, the greatest part "of these orders are centered." But if it be really the

the true state of the case, as is declared by the Remonstrants, That the Orders are in the hands of the Factors of the very Petitioners aguinst this Paper Currency, consequently, that the Petitioners will be, the almost only Losers, by his Majestys Disallow ance of the Act in Question; The Remonstrants will have very little or no Reason to complain, on their Part, when his Majestys Disallowance is made known to them.

Read Sept. 12th } 1734
Read Oct. 23d }





B. P. R. O South Carolina B T Vol 6 E 34.

23d Octr 1734

My Lords.

I must be allowed the Liberty to Observe to Your Lordps, that about four Years ago I sold a Barony of Land in South Carolina, the Grant of which except the Trustees Name, was just the same with that purchased by Mr Rutherford (which has long lain in Your Lordps Office,) and I took Bonds payable at a future Day for the Purchase Money. Some time after the Bonds were become due, I put them in Suit and the Security One Mr Colleton of Cullers Hall an Attorney of much fame by direction as he said of Wright the Purchaser brought a Bill in the Exchequer at Westmr Praying that the Bonds might be delivered up cancelled, for that the Grant for the Purchase of which they were given, was void for uncertainty there being no Bounds Metes or Limits described in it. (Same wrong in Bill)

I by Order of Court set forth the Grant in haec verba and pleaded the saving Clause in the Act of Parliamt for the Crowns Purchase of Carolina And my Answer was not only Allowed to be sufficient and good, but after several Hearings before the

the Lord Chief Baron, and the three other Barons the Purchaser's Bill was dismissed with full Costs: which together with the Purchase Money was levyed upon upon the Security's Goods &c in Hertfordshire and Middlesex. Your Lordship's Solicitor may give you full Information of the whole Proceedings, for We fought all the Weapons through.

The Records of the Council Office of the 19th Mar. 1727/8 will shew (when the Treaty was negociating) that his Majesty bought Carolina with the Incumbrance of my Grant expressly and by Name. And the saving Clause was accordingly drawn by the Grant now before Your Board. If after all this my Right is to be questioned, I know not what can be called Property.

Mr Ward and Mr Pigott have drawn all the Deeds for the Land I have sold and they Aver my Title to be without Exception; For His Majesty (with all Submission I write it) is bound in Law by the Proprietors Warranty wch is peculiar to my Grant alone. And I was a Purchaser for a Valuable Consideration;

I therefore beg leave humbly to insist on Your Lordships performing Your Agreement with Me as to directing the Surveyor General to run out the Barony

sold

sold to Mr Rutherford Agreeable to my Memorial
The Surveyor Genl is an Officer under Your Lordps
Directions by his Instructions

I most Solemnly conjure Your Lordp not to
let Your prejudice to my Person affect my cause,
when you sit Judgement. The Complaint I exhibited
against Your Secrys Mr Popple was well grounded, for
I was basely cheated by his Mediation, and I lost
more than Sixty Pounds.

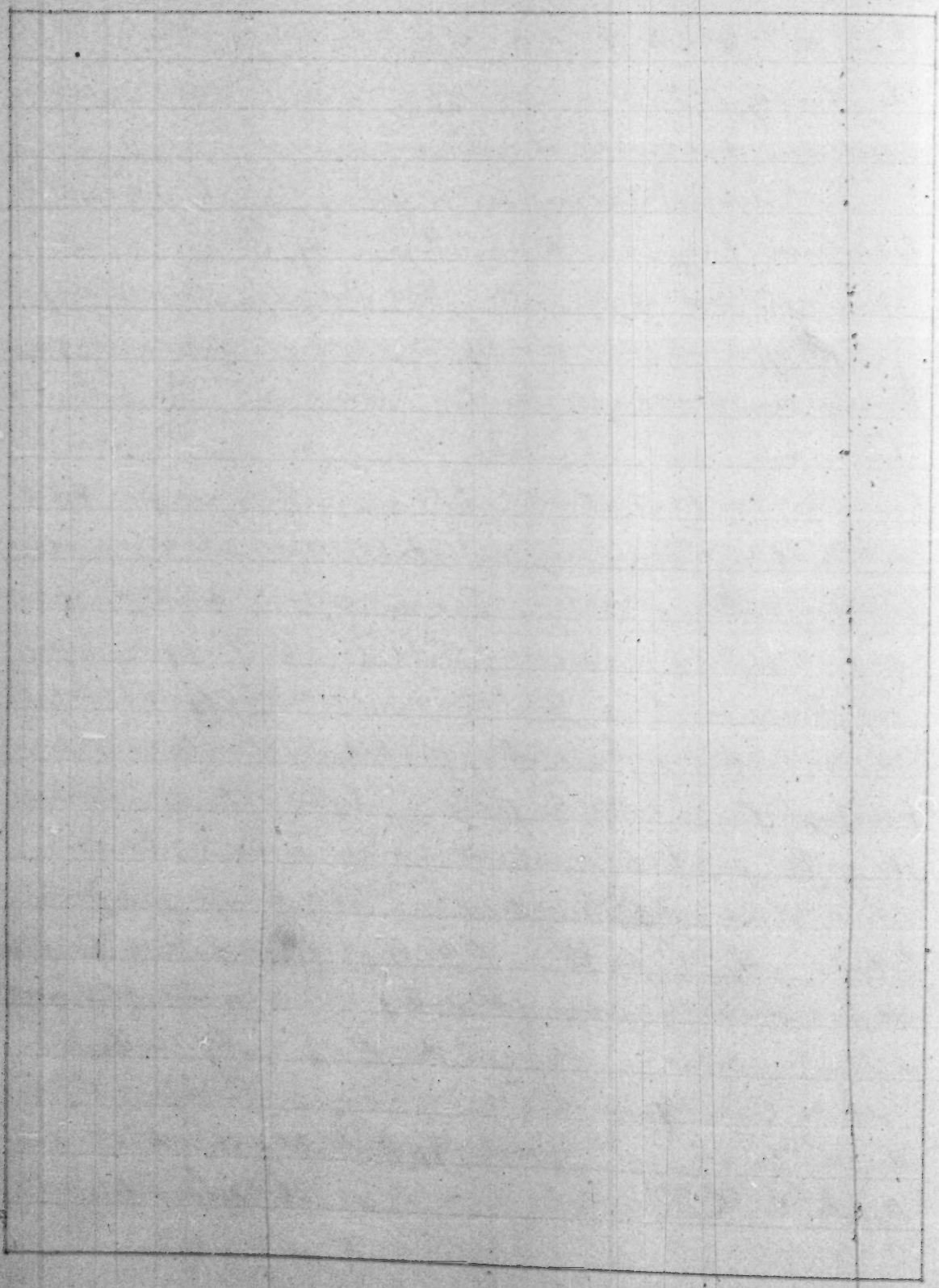
I do with truth assure Your Lordps, did I
not abhorr disserving my Native Country, I can shew
a Neighbouring Nation, how to deprive Great Britain
of a Valuable Branch of Trade without infringing
any Treaty, and if Your Lordp will signify that you
think this a vain Brag (so that my Honour as
an Englishman may be fully justified) I will immediate
ly and publickly set down in writing, how in
that particular Our Commerce may be prejudiced, and
I know My Lords how to be very welcome to a foreigne
State whose Language Manners and Customs (tis well
known) I am no Stranger to. I am My Lords

Your Lordp

most Oppressed humble Servt

Thos Lowndes

Recd
Read } Octr 22d 1784



B. P. R. O. South Carolina B T Vol 6 f 36 & 37

(23rd October 1704)

Sir

Many of the Inhabitants of South Carolina having by Petition complained to My Lords of the Treasury that Robert Johnson Esq the Governor of that Province and four or five other Persons designing to Engross exorbitant Tracts of Land, and to enrich themselves by selling the same again in Parcells have obstructed the said Petrs in obtaining his Majts Grants of certain Lands which had at their own great trouble and charges been surveyed, platted and certified for them pursuant to Warrants from the said Governor himself to his Majts Surveyor in that behalf directed; My Lords on this occasion thought fit to Referr the said Petition to his Majts Attorney general here for his Opinion thereupon; And Mr Attorney being of Opinion that the Complaint of the Petitioners is well founded, and that they have very just reason to apply for Relief; Their Lordships transmitt his Report on this Case to you to be laid, with other Papers which accompany the same, before the Lords Commissrs for Trade and Plantations And as My Lords Agree entirely with Mr Attorney general in this

his opinion thereupon, You will please to move their Lordships at the same time to Obtain his Majtes Orders to the said Governour to pass the Grants of the Lands which have been surveyed for the Petitioners, and certifyed into the proper Offices, to the end the Petitioners may be thereby enabled to try the Validity of certain old Dormant Patents, and of the Surveys made under colour thereof, and may also have the effect of other the Matters and things which Mrs Attorney hath proposed for their further Relief in the Premisses I am

Sir

Your most humble Servant

J Scrope

Treasury Chamrs
29th October 1734

Recd Octor 29th
Read Or 29th
1734

To

To the Rt Honoble the Lords Commissioners of his Majesties Treasury.

May it please Your Lordships

In Obedience to Your Lordships Commands Signified to me by Mr Scrope I have considered the annexed Petition of Robert Hume Thomas Cooper Jot Rothmahler Eleaz Allen William Trewen Walter Syard Wm Dry Malachi Glaye Esqrs Richard Lambton Robert Austin John Frazier Eben Symonds James Kilpatrick and Wm Harvey Inhabitants of South Carolina as well on behalf of themselves as of divers other Inhabitants of the said Province which Petition sets forth That many of the Petitioners were Settled in and about Port Royal in Granville County and were intitled to Sundry Tracts of Land by Grants from the Lords Proprietors But the Indian War breaking out in the Year 1715 the Petitioners were drove off and forced to fly many of them having their houses burnt their Wives Children and other Relations and their Servants and Slaves most cruelly massacred and thereby the Petitioners Title Deeds to their respective Possessions destroyed and the poor distressed Petitioners

contd

could not with safety Return to those parts till within these few Years past For a fuller Illustration of their hard Condition they beg leave to refer to the Copy of their Petition to the Lower house of Assembly in South Carolina thereto annexed.

That some of the Petitioners being invited over to the said Province upon a Manifesto of Robert Johnson Esqr then and present Governor of the said Province published in Ireland in 1718 whereby each Person capable of bearing Arms was promised three Hundred Acres of Land in the said Granville County The Petitioners obtained Warrants from the said Governor and procured several Tracts of Land to be admeasured and laid out unto them and certified by the Surveyor General. But befor the Petitioners could obtain proper Grants of such Lands (which Grants they were very desirous to have and used all possible means to procure) the Land Office was shut up notwithstanding which the Petitioners remaining in hopes of proper Titles whenever the Office became open again they settled and Cultivated these Lands and Lived thereon at the great Peril of their Lives from the neighbouring Spaniards and Indian Enemies until such time they were obliged to Fly to preserve their Lives from the

the Indians who came into the Settlements and killed several Inhabitants and the Petitioners durst not until very lately return into those parts.

That the Petitioners being thus drove off their Estates Several Persons under colour of Patents for Landgrave and Cassique-ships known to be void taking advantage of the Petitioners Misfortunes and the particular circumstances of their case have since the Year 1719 in a most unjust and cruel manner run the Petitioners Lands and Possessions from over their Heads and covered exorbitant Tracts of Land in the said County as well to the Injury of the Petitioners as to the great Weakening & hindrance of the Settlement and Cultivation of that part of the said Province

That many of the Petitioners in order to be restored to their old Possessions and others of the Petitioners being desirous to become Tenants to his Majestie and to Cultivate and Settle Lands in the said County (which at present lyes wast and unsettled for many miles together) obtained Warrants from his Excellency Robert Johnson Esq[r] Governor of the said Province directed to his Majesties Surveyor to lay out and admeasure unto them respectively the Several

Quantities

Quantities of Lands there mentioned and pursuant to such Warrants sundry Tracts of Lands (part of them the Petitioners old Possessions and the residue thereof vacant lands belonging to his Majesty) have been Surveyed platted and Certified for the Petitioners into the proper Offices ready for Grants to be affixed to the same and the Petitioners have been at great Trouble and Charges in Obtaining such Warrants and Surveys.

That since the several Surveys last mentioned to have been made for the Petitioners His Excellency Robert Johnson Esqr Governor of that Province and four or five other Persons designing to engross exorbitant Tracts and to enrich themselves by selling the same again in Parcels have obstructed the Petitioners in obtaining his Majesties Grants under pretence of sham Surveys of these Lands by virtue of Patents which were void and had been so reported to be by his Majesties late Attorney and Solliciter General to the great Hindrance of the settling of that County in prejudice of the Petitioners Rights and just Claims and in Diminution of his Majesties Revenue.

That the said Governor Johnson by one of his Majesties Instructions in 1730 (as the Petitioners are advised) was required to Establish a Court of Exchequer

in

in the said Province for determining all Cases relating to his Majesties Revenue wherein the Petitioners conceive all Disputes relating to his Majesties Lands are properly cognizable. But the said Governor hath neglected to Erect such Court and instead thereof, He together with the Council have assumed the same to themselves (being both Parties and Judges) and have already in a most arbitrary illegall and Extrajudicial way forejudged the Petitioners Claims in Favour of the old Dormant Patents in prejudice of his Majesties Title and lessening his Revenue.

Wherefore the Petitioners humbly pray that the Governor of the said Province be ordered to pass his Majesties Grants to the Petitioners of the said Lands Whereby they may be enabled to try the Validity of such pretended Patents and of the Surveys made under Colour thereof. That the Governor of the said Province be Ordered to pass Grants of Lands laid out and Admeasured to the Petitioners by Virtue of Warrants from his Majesties Governor there according to the Priority of such Survey which will be a means to prevent any Partiality or undue preference. That his Majesties Court of Exchequer may be forthwith Erected for the Hearing and determining Rights and

Claims

claims of Lands according to Law without Appeal otherwise than to his Majesty. That such Court may not be under the Influence of the Governor or Subject or lyable to the Awe, power or Controul of the Upper or Lower houses of Assembly. That an Instruction may go to the said Governor requiring. That the Secretary of the said Province the several Clerks of the Council and of the Upper and Lower Houses of Assembly do deliver to the Petitioners on payment of the Customary Fees Copies of all Acts of Assembly Records Papers and Vouchers in their keeping, and Attest the same on Oath. And That the said Governor do Cause the Broad Seal of the Province to be affixt to such Attestations. That no Law may pass for Reviving or Confirming such Landgraves and Casiques Patents as have been laid on any Lands in Granville County Since the Year 1718 V. That the Petitioners may have such other Relief as Your Lordships shall think proper.

In Support of which Petition Mr. Hume one of the Petitioners and who Acts as Agent or Attorney for the rest, Hath laid before me an attested Copy of the Petition referred to in the said Petition (and which I have annexed to this my Report) which was

presented

presented to the Lower House of Assembly in South Carolina by above Sixty of the Inhabitants of Port Royal and other the parts adjacent in Granville County in the Province of South Carolina, Which Petition sets forth that the Petitioners are Settled on the Southermost part of all his Majesties Dominions on the Continent of North America and for many Years last past have been exposed to the greatest Dangers from the Incursions and Invasions of the Indians and Spaniards

That many of the Petitioners have been plundered and led Captives amongst the Spaniards. Have had their habitations burned and destroyed by the Indians and have seen their Relations, Friends and Neighbours cruelly murdered

That the said Petitioners tho frequently harrassed and Terrified as aforesaid for eighteen Years past have nevertheless adventured their Lives and remained on the Frontiers to defend the Small Possessions which have been left them and to prevent an entire desertion of that part of His Majesties Dominions which is of great Consequence to the Security of that Colony and to the Peace of all North America.

That the Petitioners had the Truest hopes and

Expectations

Expectations that when his Majesty was graciously pleased to purchase this Province and Issued his Royal Instructions For Strengthning settling and cultivating the same upon the best and surest foundations they should not have been the only Persons deprived of the Royal Bounty and Favour But should have reaped the same Benefits which His Majesty in his Princely Wisdom and Goodness intended should be equally enjoyed by all his Subjects in that Province.

That the said Petitioners were under the utmost Grief and Concern to find that all their Hopes and Expectations must be destroyed and Frustrated unless the said House of Assembly would be pleased to intercede with his Majesty in their behalf the Petitioners themselves being Poor and living so Remote that they durst not presume to apply to his Majesty for Relief but by the Assistance of their Representatives in Assembly.

That altho Several of the said Petitioners are duely qualified to take up Land pursuant to his Majesties Instructions Yet they cannot by any means obtain Lands except they will expose themselves to further and more Imminent Dangers by taking up back Lands of little or no use or Service and lying in the very

very Laws of the Indians; for all the Valuable Lands on Navigable Rivers or Creeks adjacent to Port Royal have very lately before the Office was publickly opened and before the Petitioners could have an opportunity of taking up Lands been taken up and run out in Exorbitant Tracts of Twelve and twenty four thousand Acres of Land under Colour of Patents heretofore granted to Landgraves and Cassiques and which the Petitioners are Informed have been reported to be absolutely void in Law by his Majesties Attorney and Sollicitor General in Great Britain and therefore the Petitioners humbly conceive that they ought not to be made use of to the Prejudice of the Petitioners or others who are willing to become Tennants to his Majesty at the present Quit Rents Who have long at the Hayard of their Lives and small Fortunes defended the Frontiers when the present Engrossers lived in Ease and Security.

That the said Petitioners hardships have received a considerable Addition by reason that the Patentees by Engrossing Exorbitant Tracts have not only prevented the Settlement of those part but have Run Some of the Petitioners Lands and Possessions over their Heads and left them destitute of a place whereon to set

their

their Feet.

That the said Petitioners could add Numerous Instances of the Hardships which they have suffered, but their private distresses as well as the publick ill Consequences which must necessarily flow from these proceedings are notoriously known to the whole Province and therefore the Petitioners hope that they shall be excused from insisting on particulars and pray that the Members of the said Lower House of Assembly would be pleased in the most particular and pathetick manner to represent their Distresses to his Majesty and also to represent them as Objects worthy of his Majesties Royal Clemency and Princely Consideration and that such other Methods might be taken for Effecting the Premisses as the Members of the said Assembly in their Wisdom should think Fit, and as the Exigence of the Petitioners distressed Affairs should require.

Upon which Petition (as the present Petitioners have represented to me) no Relief was obtained Thō the same was Supported by the Depositions of William Hazard and Thomas Stone, which were taken upon Oath and laid before a Committee of the said Lower house of Assembly attested Copies of which have likewise been laid before

me

me, and are hereunto annexed.

The Deposition of Wm Hayard contains in Substance, That he has been an Inhabitant of Port Royal for Seven & twenty Years during which Time there have been Several Invasions and Incursions made on the Inhabitants by the Indians and Spaniards, and Several Persons murdered Imprisoned and led captive and their Habitations burned and destroyed, and That he staid there to defend his Interest and was also in hopes to get Lands when there was an opportunity, That he has had Lands himself by the Kings Warrant, But that there are forty Five of the Petitioners whose names are set forth in the said Depositions Who are all Intitled to the Kings Bounty, but have no Lands by the Kings Bounty that He knows of, because all the good Lands were run out in Baronys by the Patentees, and that there were some Lands run out by Family Right, That He knows of but two Persons who have Lands by the Kings bounty, to wit, Colon: Beamour and himself, That He does not know whether the Inhabitants who had not got Lands had applyed for Warrants or not, but, that He had heard Several of the Petitioners complain that the Lands had been run over their Heads.

The

The Deposition of Thomas Stone, Sets forth, that He is an Inhabitant of Port Royal Island, and has lived there, thirteen Years past, and has been exposed to the Excursions of the Indians, and Spaniards, which have been frequent, during his abode there, and that he has been often under Arms, to prevent such Excursions.

That one Richard Dawson, and his Wife, were killed by the Enemy, and that his Child, Christopher, was led Captive, with his Grandfather, and Grandmother, to St Augustine, That several others were killed, at the same Time, That He has 15 Persons in family, and has no Lands, on the Kings Bounty, and that being informed the Lands were all Run out, He did not take out a Warrant, and having been on the Indian Land, he found it had been run out, by Patents, and Family Rights, and, That he went to look for Lands in March 1731.

That, forty of the Petitioners, were old Livers at Port Royal, and have no lands on the Kings bounty, and that Several of them have endeavoured to Get Lands on the Kings Bounty, That He never heard, that Warrants for running out Lands, were denyed to any of the Petitioners, Nor does he know whether the Patents were

were laid out, & Surveyed, before or after the Opening the Office, but says, He has heard Several of the Petitioners Complain, that Lands which they had formerly Surveyed, & Settled upon, have been run out by the Patentees.

The Petitioners have also laid before me the Several Affidavits of Andrew Hogg, George Hogg, John Hogg, George Ducat and John Beamour which I have also hereunto annexed.

The Affidavit of Andrew Hogg sets forth, that He was invited to come and Inhabit the Province of South Carolina by a Publick Manifesto published in Several Market Towns in the Kingdom of Ireland in the Year 1717 or 1718 and Issued by Robert Johnson Esq present Governor of that Province and then Governor under the Late Lords Proprietors promising to all Persons who should come to that Province to settle three hundred Acres of Land for every head of a Family capable of bearing Arms and this Deponent together with his Father and two Brothers came into that Province and obtained Warrants from the said Governor to take up Lands and accordingly by Virtue of the said Warrants procured to be admeasured and laid out to each of them three hundred Acres amounting in the

the whole to twelve hundred Acres and had platts made thereof which Platts are now in the Dep.t Custody That his Father and Brothers settled the said Lands and continued upon the same till the Indians killed M.r Edwards at least thirty miles nearer Charles Town than the place where the Depon.t was Settled that they were obliged to fly for the safety of their Lives and that they never durst return thither Since for Fear of the Indians That about nine hundred Acres of the said Lands were run out by Colonel William Bull for the Governor Since his last arrival in the Province and that some Short Time before Warrants were publickly Issued by the Governor for taking up Lands and that this Deponent his Father and Brothers for fifteen Years last past have lived on the Frontiers of the Province adjacent to Port Royal and have appeared upon Alarms in defence of the Province and that this Deponent has not been able to take up Lands near any navigable River or Creek and could not Find any Lands but such as were Several Miles distant from Rivers George Hogg also maketh Oath That the Contents of the said Affidavit are true.

John Hogg maketh Oath That in the Year 1718

He

He this Dep[t] his Father George Hogg and his two Brothers Andrew and George Hogg obtained four Several Warrants under the Hand and Seal of the said Governor Rob[t] Johnson Esq[r] directed to the Surveyor General of the said Province to lay out and admeasure to each of them three hundred Acres of Land in Granville County that proper Surveys & Platts of the same were accordingly made and all the lawful Fees for the same paid to the proper Officers but that Grants could not be then Obtained by reason that the Land Office was then Shut up by an order from the Lords Proprietors That this Deponent his said Father & Brothers settled and planted on the said Lands and dwelt thereon until the Indians killed Mr Edwards and they were forced to Fly for the safety of their Lives That they have been disappointed in resettling on the said Lands because the said Governor hath taken up the said Lands under Colour of a Patent granted to his Father & Nathaniel Johnson That one Colonel Beamour an Inhabitant of Port Royal having publickly declared at the Election of an Assembly man at Port Royal That the said Governor told him That all such poor People as had run out Lands & settled them formerly should have them

them again altho' they were included in the Baronys of twelve thousand Acres, which the Governor had caused to be Surveyed for himself This Deponent thereupon applied to the said Governor in behalf of his Brother George Hogg who had not an Acre of Land to plant on and maintain his family and acquainted the said Governor with the Declaration of the said Colon.l Beamour and also produced the Warrant under his Excellencys own Hand which he had formerly granted to his said Brother and therefore prayed that his sd Brother might be put into the possession of the Lands on which he had formerly settled as aforesaid But the said Governor threw the Warr.t aside and absolutely refused to grant this Depon.ts request and would give no Relief in the Premisses This Deponent also Swears that He his said Father and Brothers with many more of the Inhabitants residing near Port Royal Signed the Petition to the lower house of Assembly which is before Set forth.

George Ducat Swears that He was an Inhabitant of Port Royal Island in the Year 1715 and for three Years before when the people were killed and that part of the Country laid wast and the Houses and other Possessions of the Inhabitants were burnt

and

and destroyed by the Indians That he was actually in Arms as one of the Militia to defend the Country during the Heat of the Warr and that the Indians continued to infest the Parts about Port Royal and committed frequent Murthers for some Years after the Warr was somewhat abated which rendered those parts very dangerous to settle in That his Majesty having been graciously pleased to purchase the Soil of South Carolina He hoped that those parts would be better defended and being willing to become a Tenant to his Majesty and settle again near Port Royal He obtained Warrants in the Usual Manner on Family Rights for himself and some of his Kindred and soon after Christmas 1731 He went to Port Royal and the Parts adjacent to get some Land Surveyed and applyed to one John Trip an old Deputy Surveyor very well acquainted in those parts for that purpose but the said John Trip assured him that He could get no Lands there for that they were all taken up under Colour of Patents in large Tracts upon which this Deponent after many Days furth search in those parts was forced to return to Charles Town and could not obtain any Lands for himself or family and that abundance of the poor People being in and near

Port

Port Royal who defended those parts at the Royal
of their lives for Several Years are in the same
Circumstances

John Burnsse Sworn that he has been an
Inhabitant of Port Royal above fifteen Years and
during that time there have been frequent Alarms
from the Spaniards and Indians and many of the
Kings Subjects frequently killed and destroyed by the
Indians Several Houses Burnt and Persons led captive
to St Augustine That He is well acquainted with
many of the Petitioners mentioned in the said attested
Copy of the Port Royal Petition which is annexed to
this Affidavit and that He knows in particular
Several of them to the number of Forty and that they
have no Lands on the Kings Bounty as He verily
believes and that there are Several others besides
the said Petitioners who have no Lands on the
Kings Bounty.

That He believes there were Several of them
that did not apply to get lands because they knew
that there were none to be had thereabout except
such lands of little or no Value or not fit for Culture
for that most of them were run in large Tracts
under Colour of old Dormant Patents in order to settle
again

again at high Prices which the poor People were not able to purchase and that He knows not of one Inhabitant on Port Royal Island who has any Lands by the Kings Bounty besides himself and one Colo. Hayard and that a great many large Tracts thereabouts were run out between the Kings purchasing the Soil and before the Office was opened So that the People could not apply and when the Office was opened they saw it was to no purpose That he believes some People may have got Lands thereabouts since the Office was Opened but they are but very few for many after making Strict Search could find none.

That he has heard many of the poor People there frequently Complain and say that twas very hard after they had defended those Southern parts so often at the Hayard of their Lives and had so many of their Friends and Relations murthered that now they could get no Lands to Live on.

The Petitioners have likewise laid before me an attested Copy of a Grant made to Sr Nathaniel Johnson by Wm Earl of Craven and the rest of the then Proprietors of Carolina bearing date the first of April 1681 & the Opinions of the late Attorney and

Port Royal who defended those parts at the Hazard of their Lives for several Years are in the same Circumstances.

John Beamour Swears that he has been an Inhabitant of Port Royal above fifteen Years and during that time there have been frequent Alarms from the Spaniards and Indians and many of the Kings Subjects frequently killed and destroyed by the Indians Several Houses Burnt and Persons led captive to St Augustine That He is well acquainted with many of the Petitioners mentioned in the said attested Copy of the Port Royal Petition which is annexed to his Affidavit and that He knows in particular Several of them to the number of Forty and that they have no Lands on the Kings Bounty as He verily believes and that there are Several others besides the said Petitioners who have no Lands on the Kings Bounty.

That He believes there were Several of them that did not apply to get lands because they knew that there were none to be had thereabouts except back Lands of little or no Value or not fit for Culture for that most of them were run in large Tracts under Colour of old Dormant Patents in order to sett out

again

again at high Prices which the poor People were not able to purchase and that He knows not of one Inhabitant on Port Royal Island who has any Lands by the Kings Bounty besides himself and one Colo. Hazard and that a great many large Tracts thereabouts were run out between the Kings purchasing the Soil and before the Office was opened So that the People could not apply and when the Office was opened they saw it was to no purpose That he believes some People may have got Lands thereabouts since the Office was Opened but they are but very few for many after making Strict Search could find none.

That he has heard many of the poor People there frequently Complain and say that twas very hard after they had defended those Southern parts so often at the Hazard of their Lives and had so many of their Friends and Relations murthered that now they could get no Lands to Live on.

The Petitioners have likewise laid before me an attested Copy of a Grant made to Sr. Nathaniel Johnson by Wm Earl of Craven and the rest of the then Proprietors of Carolina bearing date the first of April 1681 & the Opinions of the late Attorney

and

and Sollicitor General thereupon dated the 20th of July 1730 By that Grant the Honor and Dignity of a Cassique together with two Baronies containing 24000 acres of Land are granted to the said Sr Nathaniel Johnson and his Heirs But the said Attorney and Sollicitor were of opinion that in regard the place where the Lands lye is not described in the said Grant nor any Method prescribed by which the same might be ascertained such Grant of the said two Baronies by reason of the uncertainty there of was absolutely void in Law the Copies of which Grants and the Opinions thereupon I have likewise thought proper to annex to this my Report.

The Petitioners likewise produced to me the 39th Article of Governor Johnsons Instructions by which He is expressly directed to take care that a Court of Exchequer be called and do meet at all such Times as should be needful and that upon his Arrival He should inform his Majesty and his Commissioners for Trade and Plantations whether his Service required that a constant court of Exchequer be settled and Established in South Carolina But it does not appear to me whether He has Yet given his Majesty any Information pursuant to such

Instructions

Instruction.

And Upon the Whole I am humbly of Opinion That the Complaint of the Petitioners is well founded and that they have very just Reason to apply to Your Lordships for Relief The Prayer of their Petition seems to be a little too extensive But I would humbly recommend it to Your Lordships to advise his Majesty to order the Governor of South Carolina to pass the Grants of the Lands which have been Surveyed for the Petitioners and Certified into the proper Offices That the Petitioners may be thereby enabled to Try the Validity of the Old Dormant Patents and of the Surveys made under Colour thereof And that in passing such Grants the said Governor may be ordered to have a regard to the Priority of such Surveys that no undue preference may be given It seems to me likewise very reasonable That the Secretary of the said Province The Several Clerks of the Council and the Upper and Lower House of Assembly should deliver to the Petitioners on payment of their customary Fees Copies of all Acts of Assembly Records Papers and Vouchers in their Custody attested upon Oath and that the said Governor if required do cause the Broad Seal of the Province to be affixed to such

such Attestation As to the Erecting of a Court of Exchequer his Majesties said Instruction seems to be Sufficient and unless it appeared to me what has been done in pursuance of that Instruction I cannot take upon me to say That any further directions are necessary When such Court is Erected It ought not to be under the Influence of the Governor or either of the Houses of Assembly But as it cannot be presumed that the Governor or either of the Houses of Assembly will make use of any such undue practices I Humbly apprehend that it would be improper to give any directions in respect to this part of the prayer of the Petition Nor do I think it proper upon the application of private Persons to give directions to the Legislature in this Province What Laws they are to pass Especially since all such Laws must afterwards receive his Majesties Approbation and may be rejected by Him if thought improper

All which is humbly Submitted
to Your Lordships Great Wisdom

J. Willes

Septr 30th 1734

(Enclosure) To the

(Enclosure)

To the Right Honble Sir Robert Walpole Knt Chancellor of his Majestys Exchequer and to the Rest of the Lords Commissioners of his Majestys Treasury.

The Humble Petition of Robert Hume Thomas Cooper Jos Rothmahler, Ebay Allen, William Trewin, Miller Lyard, William Dry and Malachi Glaze Esqrs Richard Lambton, Robert Austin, John Frayer, Eben Simonds, James Fitzpatrick and William Harvey Inhabitants of South Carolina as well on behalf of themselves as of Divers other Inhabitants of the said Province.

Sheweth.

That many of Your Petitioners were settled in and about Port Royal in Granville County and were Entituled to sundry Tracts of Land by Grants from the late Lords Proprietors, But the Indian War breaking out in the Year 1715 Your Petitioners were drove off and forct to fly, many of them having their Houses burnt their Wives Children and other Relations and their Servants and Slaves most cruelly Massacred And thereby Your Petitioners Title Deeds to their Respective Possessions destroyed And Your poor distressd

distressed Petitioners could not with Safety return to those parts till within these few Years past. For a fuller Illustration of their hard condition they beg leave to refer to the Copy of their Petition to the Lower House of Assembly in South Carolina hereto annext.

That some of Your Petitioners being invited over to the said Province Upon a Manifesto of Robert Johnson Esq. then and present Governor of the said Province Published in Ireland in 1718 Whereby each Person capable of bearing Arms was promised Three hundred Acres of Land in the said Granville County. Your Petitioners obtained Warrants from the said Governour and procured several Tracts of Land to be admeasured and laid out unto them and certifyed by the Surveyor General But before Your Petitioner could obtain proper Grants of such Lands (Which Grants they very desirous to have and used all possible means to procure) The Land Office was Shut up Notwithstanding which Your Petitioners remaining in hopes of proper Titles When ever the Office became open again They settled and Cultivated these Lands and lived thereon at the Great Peril of their Lives from the Neighbouring Spaniards and Indian Enemies Until such Time they were obliged to

to fly to preserve their Lives from the Indians who came into the Settlements and killed Several Inhabitants and Your Petitioners durst not until very lately return into those Parts.

That Your Petitioners being thus drove off their Estates Several Persons under Colour of Patents for Landgrave and Cassique-ships known to be void taking advantage of Your Petitioners Misfortunes and the particular circumstances of their case have since the Year 1719 in a most unjust and cruel manner run Your Petitioners Lands and Possessions from over their Heads and covered exorbitant Tracts of Land in the said County as well to the Injury of Your Petitioners As to the Great Weakening and hindrance of the Settlement and Cultivation of that Part of the said Province.

That Many of Your Petitioners in order to be restored to their old Possessions and others of Your Petitioners being desirous to become Tenants to His Majesty and to Cultivate and Settle Lands in the said County (which at present lies waste and unsettled for many Miles together) they Obtained Warrants from His Excellency Robert Johnson Esqr Governour of the said Province directed to his Majesties Surveyor to lay out

sut and admeasure unto them Respectively the Seve-
-al Quantities of Lands therein mentioned And pur-
suant to such Warrants Sundry Tracts of Lands
(part of them Your Petitioners Old Possessions and the
Residue thereof vacant Lands belonging to his Majesty)
have been Surveyed Platted and Certified for Your
Petitioners into the Proper Offices ready for Grants to be
affixed to the same And Your Petitioners have been
at great trouble and Charges in Obtaining such Warrants
and Surveys.

That since the several Surveys last mentioned
to have been made for Your Petitrs His Excellency
Robert Johnson Esqr Governour of that Province and
four or five other Persons designing to Engross Exorbitant
Tracts and to enrich themselves by selling the same
again in Parcels have obstructed Your Petitioners in
Obtaining his Majesties Grants under pretence of Sham
Surveys of these Lands by Virtue of Patents which
were void and had been so reported to be by his
Majesties late Attorney and Solicitor General, to the
Great Hindrance of the Settling of that County in
Prejudice of Your Petitioners Rights and Just Claims
and in Diminution of his Majesties Revenue.

That the said Governour Johnson by one of his
Majesties

Majesties Instructions in 1730 (as Your Petitioners are advised) was required to Establish a Court of Exchequer in the said Province for determining all Cases relating to His Majesties Revenue wherein Your Petitioners conceive all Disputes Relating to his Majesties Lands are properly Cognizable But the said Governour hath neglected to Erect such Court and instead thereof He together with the Council have assumed the same to themselves (being both parties and Judges) and have already in a most Arbitrary Illegal and Extrajudicial Way forejudged Your Petitioners Claims in favour of the old Dormant Patents in Prejudice of his Majesties Title and lessening his Revenue thereof.

Whereof Your Petitioners humbly pray that the Governour of the said Province be Ordered to pass his Majesties Grants to Your Petitioners of the said Land Whereby they may be Enabled to try the Validity of such pretended Patents and of the Surveys made under Colour thereof. That the Govr of the said Province be Ordered to pass Grants of Lands laid out and admeasured to Your Petitrs by Virtue of Warrants from His Majties Governour there according to Priority of such Survey which will be a means to prevent any Partiality or Undue

preference

preference. That his Majesties Court of Exchequer may be forthwith Erected for the Hearing and Determining Rights and Claims of Lands Accord ing to Law without Appeal otherwise then to his Majesty. That such Court may not be under the Influence of the Governour or Subject or lyable to the Awe Power or Controul of the Upper or Lower Houses of Assembly. That an Instruction may go to the said Governour Re quiring That the Secretary of the said Province, the Several Clerks of the Council and of the Upper and Lower Houses of Assembly do deliver to Your Petitioners (on payment of the Customary Fees) Copies of all Acts of Assembly Records Papers and Vouchers in their keeping and attest the same on Oath and that the said Governour do cause the Broad Seal of the Province to be affixt to such Attestations. That no Law may pass for the Reviving or Confirming such Landgraves and Cassiques Patents as have been laid on any Lands in Granville County since the Year 1718. That Your Petitioners may have such other Relief as Your Lordships shall think proper

And Your Petitioners (as in Duty

Duty Bound) shall ever pray &c

Robt Hume.

Attorney of the Petrs

(Enclosure)

South Carolina.

To the Honourable John Loyd Esqr
Speaker and to the Rest of the Members
of the Honourable House of Commons
not met at Charles Town in Assembly.

The humble Petition of the Inhabitants
of Port Royal and other the parts
Adjacent thereto in Granville County
in the Province of South Carolina.

Sheweth

That Your Petitioners are Settled on the Southermost part of all his Majesties Dominions on the Continent of North America, and for many Years last passed have been exposed to the Greatest Dangers from the Incursions, Invasions and hostilitys from time to time committed by the Indians and Spaniards.

That many of Your Petitioners (this frequently harrass'd by repeated Alarms) and Terrifyed by the sad Examples

examples of Murthers and Devastations from time to time Committed as aforesaid, for eighteen Years past, before their Eyes, have nevertheless ddventured their lives and remained on the Frontiers to defend the Small Possessions which have been left them, and to prevent an Entire Desertion of that part of his Majesty's Dominions, which is of so great Consequence not only to the Security of this Colony, but to the Peace of all North America.

That Your Petitioners had the fairest hopes and most Just Expectations, that when his Majesty was graciously pleased to Purchase this Province and Issued his Royal Instructions for Strengthening Setting and Cultivating the same upon the best and Surest foundations, Your Petitioners should not be the only Persons Deprived of the Kings Bounty and Favour, but that they should equally with the rest of his Majestys Subjects reap the same benefitts which his Majesty in his Princely Wisdom and Goodness, intended should be Enjoyed by all his Subjects in this Province, and by all his Subjects Alike.

That Your Petitioners most humbly beg Leave to acquaint Your Honours, that it has given them the utmost Grief and Concern to find that all their hopes and

and Just Expectations must be destroyed and frustrated if by Your honours favourable Intercession with his Majesty, they do not obtain relief. Since Your Petitioners a Poor and distressed People, Scituated in so remote a Part of his Majestys Dominions cannot presume to Enter into the Royal Presence or Prostrate themselves at his Majestys Feet without the assistance of their Representatives in Assembly.

Your Petitioners are obliged to represent, That altho' Several of Your Petitioners are duly qualified to take up Land Pursuant to his Majestys Instructions. Yet they cannot by any means Obtain Lands Except they will expose themselves to further and more Imminent dangers, by taking up Back Lands of little or no Use or Service, and lying in the very Jaws of the Indians, for that all the Valuable Lands on Navigable Rivers or Creeks adjacent to Port Royal, have very Lately (but before the Office was Publickly Opened, and before Your Petitioners could have an Opportunity of taking up Lands) been taken up and run out in Exorbitant Tracts of Twelve and Twenty four thousand Acres of Land, under Colour of Patents heretofore granted to Landgraves and Cassiques; And which Your Petitioners are very Credibly Informed, have been reported to be

be absolutely void in Law by his Majestys Attorney and Sollicitor General in Great Britain, and therefore Your Petitioners humbly conceive, ought not to be made use of to the Prejudice of Your Petitioners or others who are willing to become Tenants to his Majesty at the Present Quit rents. Who have born the Heat of the day, and have long, at the Hazard of their lives and Small Fortunes, Defended the Frontiers, when the Present Ingrossers lived in Ease & Security

Your Petitioners must beg Leave to Add, That their hardships have received a Considerable Addition, inasmuch as the Patentees by the Exorbitant Tracts they have Ingrossed, have not only Prevented the Settlement of these parts, but they have seen some of Your Petitioners Lands and Possessions over their heads and have left them destitute of a Place whereon to Set their Feet.

Your Petitioners could add numerous Instances of the hardships which they have Suffered; but their Private Distresses as well as the Publick Ill consequences which must necessarily flow from these Proceedings are notoriously known to the whole Province, and therefore Your Petitioners hope they shall be Excused from further Insisting on Particulars.

Your

Your Petitioners therefore most humbly Supplicate Your Honours, That You will be pleased, in the most particular and pathetic manner, to represent Your Petitioners Distresses to his Majesty, and to Represent them and their Sufferings as Objects worthy his Majesty's Royal Clemency and Princely Consideration; And that Your Honours will be pleased to take such other Measures for Effecting the Premisses as in Your Wisdom you shall think fit, and such as the Exigence of Your Petitioners Distressed Affairs shall require.

And Your Petitioners, as in duty bound, shall ever Pray &c.

Robert Orr	William Scot	Hugh Wire	
James Searle	John Hogg	William Orr	
Thomas Stone	Andrew Hogg	John Fry Jn.r	
Thomas Inns	George Hogg	Henry Orr	
William Inns	Peter Peterson	William Anderson	
Thos Burton	Geo: Hogg Jn.r	Patrick Powis	
Rowland Serjeant	Robert Blakeway	Richd Reynolds	
William Mitchell	Edmond Ellis	James Reynolds	
John Sacbury	John his K mark Tuney	Richd Capers	
Wm Baker	John Trip	John Price	
		Jas	

Jas Dunlop	James Hatcher	Robt Rice
William Traizer	David Alexander	Robt Wilkinson
Wm Crosskeys	Benja: Wordward	John Moon
John Field	Thomas H Hatcher	Charles Ellit
John Christian	Philip Givens	Wm Ferguson
Robert Stinson	Richd his R mark Hayleton	John Wilson
Thomas Parmenter	Jonathen Norton	Thomas Parmenter Senr
Isaac Paromenter	Wm Chaplin	David Fox
Walter Augustine	Richd Franklin	John Croll
Samuel Irwin		John Mc Loud.
Thomas Hardwicke		
William Harris		
Nathaniel Starling		

A True Copy
I Amyand. C.D.C.

Isaac Amyand Gentleman, Clerk of the Lower house of Assembly, in the Province of South Carolina came this day before me Robert Wright Esqr Chief Justice of the Province of South Carolina aforesaid, and made Oath on the Holy Evangelist of Almighty God, that he this Deponent hath carefully Examined and Compared the Copy of the aforegoing Petition and of the Names thereunto Subscribed, with the Original Petition and Subscribers names, And that the above Copy of the

the said Petition is a True Copy of the Original Petition and of the names of the Subscribers thereunto now remaining in his Custody

Isaac Amyand
Sworne denove the 20th Octobr 1733 Before me
Robt Wright C. Justice
Present when the above Affdt was last Sworne
Jno Carruthers
Jno Mc Liss

Sworn the Eighteenth Day of October anno Dom 1733 Before me
Robt Wright C. Justice

(Enclosure)

John Beamour of Port Royal in Granville County in the Province of South Carolina Esqr Came this day before me Robert Wright Esqr Chief Justice of the Province of South Carolina And made Oath on the Holy Evangelists of Almighty God That he has been an Inhabitant of Port Royal above these fifteen Years And that During that time there has been frequent Alarms from the Spaniards and Indians and many of the Kings Subjects frequently killed and destroyed by the Indians Several of their Houses Burnt and others led Captive to St Augustine

That

That being so long an Inhabitant in those parts he is well acquainted with many of the Petitioners mentioned in the Attested Copy of the Port Royal Petition hereunto annexed.

That he knows in particular the several Petitioners hereafter mentioned viz. William Scott, Richard Haselton, Jonathan Norton, William Chaplin, Thomas Stone, Thomas Inns, William Inns, Thomas Burton, William Mitchell, John Field, William Crosskeys, John Christian, Thomas Parmenter, Isaac Parmenter, William Harriss, Henry Orr, Philip Givens, Patrick Powers, Robert Wilkinson, John Moon Charles Ellit, John Willson William Ferguson, John Mc Cloud, David Fox, Thomas Parmenter, John Hogg, Andrew Hogg, George Hogg Senr. George Hogg Junr. Edmund Ellis, Robert Blakeway, John Finny, James Hatcher, John Tripp, Thomas Hatcher Benjamin Woodward, David Alexander, and Philip Givens That have no Lands as he verily believes on the Kings Bounty And That there are several others besides the Petitioners that have no Lands on the Kings Bounty to wit John Ferguson Jane Dicks who has four Children Robert Orr and his Brother Ebenezer Dicks and others That none of the aforementioned have any Lands on the Kings Bounty as he verily believes and most of

of them none at all.

That he believes that there were several of 'em that did not apply to get Lands because they knew there were none to be had thereabouts Except back Lands of little or no value or not fit for Culture

For that most of them were run out in large Tracts under colour of Old dormant Patents in order to Sell out again at high prices which the poor people were not able to purchase. And that he knows not of one Inhabitant on Port Royal Island that has had any Lands by the Kings Bounty besides himself and One Coll: Hayard. And that a great many large Tracts thereabouts were Run out between the Kings purchasing the Soil and before the Office was Open'd So that the people could not apply And when the Office was Opened they saw 'twas to no purpose he believes some people may have got Lands thereabouts since the Office was Opened but they are but very few for that many have looked out very narrowly and made strict search but were forced to go away again and could find none.

That he has heard many of the poor people there frequently Complain that 'twas very hard that

after

after they had defended those Southern parts so often at the hazard of their Lives and had so many of their Friends and Relations Murthered that now they could get no Lands to live on.

Jn° Beamor

Swōrne the Eighteenth day of October Ann Dm 1783.

Before me Robt Knight C. Justice.

Swōrne the 20th Octob' 1783 de novo Before me

Robt Knight

20th October 1783 The above depont acknowledged before me that the above name John Beamour was his Name & was again Swōrne to the Contents of the above Affidt that the same was true in the presence of me

Jn° Carruthers

Jn° Mc Liss

(Enclosure)

Before Danl Green Esqr one of his Majesty's Assistant Judges, & one of his Majesty's Justices. assign'd to keep the peace in Berkly County.

Andrew Hogg of Port Royal Island in Granville County maketh Oath, That this Deponent was born in England, but afterwards went to settle in the North of Ireland, And this Deponent was invited to come and

and inhabit the Province of S. Carolina by a publick Manifesto published in several Market Towns in the Kingdom of Ireland in the Year of Our Lord One thousand seven hundred & seventeen or eighteen & issued by Robt Johnson Esqr present Governour of this Province and then Governour under the late Lords Proprietors promising all persons who should come to this Province to settle three hundred acres of Land, for every Head of a Family capable of bearing Arms. And this Deponent together with his Father & two Brothers came to this Province & obtained Warrants from the said Governour to take up Lands, & accordingly by virtue of the said Warrants, procur'd to be admeasured & laid out to them each three hundred Acres, in the whole amounting to twelve hundred Acres, & had platts made thereof, which plats now are in the Deponents Custody. & his father & Brothers settled the said Lands, and continued upon the same Lands, till the Indians kill'd Mr Jno Edwards at least thirty Miles nearer Charles Town, than the place where the Depont was settled, at which Time the Deponent and his Father and Brothers fled for the safety of their Lives, & never dar'd to return their since for fear of the Indians, & the Deponent further saith that about nine hundred Acres of the said

Lands

Lands were run out by Collonel Wm Bull, for his Excelly the Governour since his Excelly's last Arrival in this Province and some short time before Warrants were publickly issued by his Excelly for taking up Lands. And this Deponent further saith that for fifteen Years last past, he this Deponent his Father & Brothers, have liv'd on the Frontiers of this Province, In the Parts adjacent to Port Royal, & have appear'd upon the Alarms in Defence of this Province. And that the Deponent has not been able to take up land near any navigable River or Creek, and could not find any Lands upon the best Inquirys he could make among the Deputy Surveyors, unless they would take up back Lands several Miles distant from Rivers.

Andrew Hogg

George Hogg also maketh Oath That he knows that the contents of the above Deposition is true.

George Hogg.

Sworn before me the
5th Day Febry Danl Green.

(Enclosure)

&c

So Carolina.

Before Danl Green Esq One of his Majestys Assistant Judges & one of his Justices of the peace for Berkley County

In: Hogg of Port Royal in Granville County in the Province of So Carolina planter, maketh Oath that on the twentyeighth day of June in the Year of Our Lord One thousand, seven hundred & Eighteen, this Deponent obtained a Warrt under the Hand and Seal of Robert Johnson Esq: then Governour of this Province under the late Lords Propriet.rs directed to the Survey-or general to lay out and admeasure unto this Deponent three hundred Acres of land in Granville County bounding to the North Eastward on Combahee River to the South East on Marsh on Coosaw River to the So West on the Savanna River, And that this Deponents Father Geo Hogg, & his two Brothers Andrew & Geo Hogg at the same time obtained three other Warrants of the same Tenour & Date for three hundred Acres, And that this Deponent his Father and Brothers pursuant to the said Warrts had proper Surveys made of four several Tracts of Land each containing three hundred Acres, scituate on the Okatie River about ten Miles distant from Port Royal, and the Deponent & his said

said Father & Brothers had plats made, and paid all the lawful Fees for the same to the proper Officers, but could not obtain Grants at that time by reason of an Order from the late Lords Proprietors for shutting up the Land Office, That the Deponent & his said Father & Brothers settled and planted on the said Lands & dwelled thereon, till the Indians from Augustine killed Mr Jno Edwards, when the Deponent his Father & Brothers were obligd to fly for the safety of their lives & this Deponent further saith, that they have been disappointed in resettling the said Lands because his Excelly Robert Johnson Esq present Governour hath taken up the said Lands under colour of a Patent granted to his Father Sir Nathan.l Johnson. And the Deponent further saith that One Colonel Beamor an Inhabitant of Port Royal having publickly declard at the Election of an Assembly Man at Port Royal on the first Day of this Instant That the Governour would let such poor People as had formerly run out Lands & settled them have them again altho he had run them out and such Lands were included in the Baronys of twelve thousand Acres which the Govern.r had caused to be survey'd for him, since his Majesty's purchase under the aforesaid patent And the said Colonel

Beamor

Beamor at the same time declaring that the Govern.
had told him so, the Deponent came down to Charles Town
& apply'd himself to his Excelly on the behalf of his
Brother George Hogg who has not an Acre of Land to
plant on & maintain his Family, & pray'd him to let
him have the Land which he had formerly run out
& settled as aforesaid, & told his Excelly of the Declarat.
that Colonel Beamor had made in his Excelly Name,
but his Excellency absolutely refus'd to let the De-
ponents Brother have the said Land, altho' the De-
ponent acquainted the Governour with his Circumstances
and produced the Warr.t under his Excellys own Hand,
which he had formerly granted as is before mention'd,
But the Governour threw the Warr.t aside, and would
give no Relief in the premisses. And this Deponent
saith, that the said Depon.t his Father & Brothers
afores.d with many more of the Inhabitants living on
the Frontiers adjacent to Port Royal, sign'd a petition
directed to the Speaker and the rest of the Members
of the Lower House of Assembly complaining of many
great & heavy Grievances, & praying for Redress, which
Petition was sign'd by most of the Inhabit.ts in and
about Port Royal on the said last mentioned Election Day
and some few Days before

John Hogg

sworn

Sworn before me
11th Janry 1732
Daniel Green.

(Enclosure)

Mr George Ducat of Charles Town maketh Oath That he this Deponent was an Inhabitant of Port Royal Island in the Year of Our Lord one thousand seven hundred and fifteen when the late Indian War broke out and for three Years before and when the People were killed, and that part of the Country was laid wast and the Houses and other the Possessions of the Inhabitants were burnt and destroyed by the Indians And that the Deponent was actually in Arms against the Indians in defence of this Country as one of the Militia and so continued whilst the heat of the Indian War lasted And this Deponent further saith That when the heat of the Indian War was in some measure abated the Enemy Indians nevertheless continued to infest the parts about Port Royal and committed frequent Murthers & Devastations for some Years after, which rendered those parts very dangerous and insecure to settle in And this Deponent further saith That since His Majesty has been graciously pleased

pleased to purchase the Soil of this Province this Deponent was in hopes he should be able to make a settlement again near Port Royal and that those parts would be more secure and better defended than formerly and the Deponent being willing to become a Tenant to his Majesty he obtained in the usual manner Warrants on Family Rights for himself and some of his Kindred and a little after Christmas was twelve month went to Port Royal and the parts adjacent to get some Land Surveyed And the Deponent applyed himself to one John Trip an old Deputy Surveyor very well acquainted with the parts aft and inquired of him if he could take up any of the Lands lying near Port Royal commonly called the Yamasee Lands, but the st John Trip assured the Deponent that he could get no Lands there for that they were all taken up under colour of Patents in Large Tracts Upon which the Depon! was obliged to go on the South side of Savannah River in order to run out Lands there but since that time a Proclamation has issued in this Province forbidding any Lands to be run out on the South side of Savannah River being within the bounds of the Charter of Georgia So that the Deponent after many days search in those Southern Parts was forced to return to Charles Town and

and could obtain no Lands for himself or Family and that abundance of the poor people being in and near Port Royal who defended those Parts at the hayard of their Lives for several Years are in the same Circumstances.

George Ducat

20th Octobr 1733

Sworne the 20th day of Octobr Anno Dñi 1733 Before me

Robt Wright.

Present when the above Affidt was taken

Jnº Carruthers

Jnº Mc Lios

(Enclosed)

Richard Allein of Craven County in the Province of South Carolina Gent came this day before me Robert Wright Esqr Chief Justice of the Province aforesaid And made Oath on the Holy Evangelists of Almighty God That he hath Examined and Compared the Examinations or Affidavits of William Hazzard and Thomas Stone hereunto annexed with the Originals which were taken before a Committee of the Lower House of Assembly appointed to Inquire into the truth of the Allegations of the Port Royal Petition And that the same are true Copys of the Originals And that he was

was Chairman of the Committee when and before when the said Examinations were taken That Charles Pinckney Esqr before whom the said Affidavits or Examinations were Swoine was also One other of the said Committee As also John Delabere Jacob Bond and Othniel Beal were also of the said Committee and present at the same time when the said Examinations were taken And That the said Hayyard and Stone Voluntarily offer'd to take their Oaths to the truth of their Examinations and were Swoine accordingly. Upon the Holy Evangelists of Almighty God to the truth of their said Examinations in the presence of this Deponent. and before the said Charles Pinckney as abovesaid.

Swoine before me
the 20th day of October 1733

Robt: Wright

Richd Allein

20th Octobr 1733
Present when the above
Affidts were Swoine
Jno Cantthers
Lo McLiss

(Enclosure)

William Hayyard of Port Royal Island Gent Says That

That he has been an Inhabitant of Port Royal for Seven and Twenty Years past That during that time there has been several Invasions and Incursions made on the Inhabitants by the Indians and Spaniards and several persons Murdered Imprisoned and led Captive and their Habitations Burned and destroyed.

Being asked whether he staid there all that while with a view to get Lands He answered that he staid there to defend his Interest and was also in hopes to get Lands when there was an Opportunity That he has had Lands himself by the Kings Warrant But that there are Forty five of the Petitioners Viz Henry Orr, Patrick Powers, James Danolds, Robert Wilkinson, John Moon, Charles Elliot, William Forgison, John Wilson, Thomas Parmenter, David Fax, John Mc Cloud John Hogg, Andrew Hogg, George Hogg, George Hogg Senr Robert Blackway, Edmund Ellis, John Finny, John Tripp James Hatcher, David Alexander, Benjamin Woodward Thomas Hatcher, Philip Givens, Richard Heaselton, Jonathan Norton, William Chaplin, Richard Franklin, Thomas Stones, Thomas Inns, William Inns, Thomas Burton William Mitchell, Richard Beaker, James Dunlop, William Crosskees, John Feild, John Christian, Thomas Parmenter, Isaac Parmentee Samuel Irvin, Thomas Hardwick, William

Harris

Harris, who are all Intitled to the Kings Bounty but have no Lands by the Kings Bounty that he knows of.

Being Asked if there were no Lands run out by Family Rights. answered There were some Lands run out by Family Rights Viz. Mr Doiley and Several others.

Being Asked how comes it to pass That they had no Lands by the Kings Bounty answered Because allmost all the Good Lands were run out in Baronys by the Patentees.

Being Asked how many of the Inhabitants of Port Royal have had Lands by the Kings Bounty. Says That he knows of but Viz. Coll. Beamour and himself.

Being Asked Whether the Inhabitants that have not got Lands had applyd for Warrants. Answered That he dont know whether they did or no.

Being Asked Whether he has not heard the Petitioners complain that the Lands had been run over their heads. Answered yes That he has heard several of 'em complain.

Being Asked Who. Answered Mr Ellis the Hoggs and others

Being Asked how it comes to pass that the Petitioners did not attend to make good the Allegations

of

of the Petition. Answered that he believes they did not hear of it And the reason is because he himself did not hear of it.

William Hayward

Sworne before me
11th April 1733
Charles Pinckney.

(Enclosure)

Thomas Stone Says That he is an Inhabitant of Port Royal Island and has lived there thirteen years past And has been exposed to the Excursions Murders devestations of the Indians and Spaniards and that such Murders &c has been comitted during the time he lived there and that he has beene frequently under Arms to prevent the said Murders and devestations.

Thomas Stone further Says That Richard Dawson and his Wife was killed by the Enemy and that his Child Christopher was afterwards led Captive with his Grandfather and Grandmother to St Augustine And also that the Wife of David Alexander was killed at the same time with One Jones his Family Sevi and others.

He

He further Says That he has Fifteen persons in Family that he has no Lands on the Kings Bounty and that being informed the Lands were all run out he did not take out a Warrant and having been on the Indian Land he found it was run out by Patents and Family Rights and that he went to look for Lands last March was Twelve Months

A List of Forty Six petitioners being read to the above said Thomas Stone and being asked how many of them lived at Port Royal Answered That all but Six were old livers at Port Royal and have no Lands on the Kings Bounty. And that several of the Petitioners have endeavoured to get Lands on the Kings Bounty

And being Asked if he ever heard Warrants for running out Lands were denyed any of the Petitioners Answered he never heard they were.

Being further Asked if the Patents were laid out before the Land Office was Opened Answered he does not know if Surveyed before or after the Opening the Office. And that he has heard several of the Petitioners Complain That Lands they had formerly Surveyed and Settled upon had been Run out by the Patentees.

Sworne

Sworne before me
11th April 1733
Charles Pinckney. J. P.

The mark X Thomas Stone

(Enclosure)

To the Right Honoble the Lords Comissrs
for Trade and Plantations.

May it please your Ld Tps

In Obedience to your Lordſhips Comands Signifyed to us. by Letter from Mr Pople informing Us, that your Ldſhips having under your Consideration Several paper relating to the Settlement of Carolina. And Observing that some Grants were made by the late Lds Propr of large Tracts of Land without any Limitation therein, As to the Place where, Or time when the said Land is to be taken up & settled And transmitting to Us the enclosed Copy of a Grant of that Kind, made to Sr Nathaniel Johnson in 1686 Which hath never been put in Execution Together with the inclosed Copy of the Original Grant from the Crown to the Lds Propr of Carolina for our further Information, And desiring Us to Consider the same & report the Opinion in point of Law Whether Such Grants are Legal & of force. We have considered the

Patent

Patent Whereby the said Lds Propr^{s} did grant to Sr Nath: Johnson the Honour & Dignity of Cassicque Cum duabz Baronies quarum Singula contineat 12 Mille Acras Terræ And We are of Opinion, In regard the Place Where the said Lands lye, is not described. Nor any Method provided by which the Same may be ascertained, Such Grant of the two Baronies is by reason of the Uncertainty thereof absolutely void in Law

All which is humbly Submitted
to your Lordſpps
P. Yorke
C Talbot
28th July 1730.

(Enclosure)

Be it known unto All to whom these presents shall come or whom it may concern That on this fourteenth day of December Anno Domini 1703 Before Me Robert Wright Esqr Chief Justice of the Province of South Carolina personally came James Greene and William Trewin both of Charles Town in the Province of South Carolina aforesaid Esq^{rs} and being duely sworn upon the holy Evangelists of Almighty God did depose as

as foll. viz That Yesterday being the thirteenth day of this Instant December in the Office of James St. John Esqr his Majestys Surveyor General and Deputy Auditor of the Province aforesaid they did carefully examine with the Original Patent or Grant from the late Lords Proprietors to Sr. Nathaniel Johnson the Copy hereto annexed And that the same was a true Copy of the said Patent And did further depose that the said James St John did then acknowledge that the Name Fa: St John Dept Audtr: Subscribed to the Certificate indorsed was the proper Hand writing of him the said James St John In Testimony where of I have hereunto set my hand and affixed the Seal of my Office the day and year first above written

Robert Wright C Justice — Sa: Greene

signed and Sworn — Will: Trewin

in presence of

Hugh Percy.

(Enclosure)

Gulielmus Comes Cravenius Palatinus Carolinæ Reliquiæque ejusdem Provinciæ Proprietores salutem Cum Serenissimus noster Carolus secundus Magnæ Britaniæ Franciæ et Hiberniæ Rex fidei defensor &c: Ex speciali

suo

suo favore Dedit et Concessit nobis una cum Provincia
Carolinæ Potestatem Status Gradus Titulorum Dignit
atum et Honorum ibidem Constituendi et Erigendi Vi-
rosqz bene meritos ad eosdem Gradus extendi iisqz
Titulis cohonestandi ornandiqz Cumqz. Regiminis forma
a Nobis stabilita et in perpetuum a Nobis et Succes
oribus nostris observanda constitutum sit Ut certus
sit Landgravorum Cassiquorum numerus qui sint per
petui et heriditarii Nobiles Proceresqz Provinciæ nostræ
Carolina Cumqz Eximius Vir Nathaniel Johnson Miles
magna sua prudentia et industria magno erit adjumen
to Virum de Nobis tam bene meritum remunerare
volentes Cassiquum Constituimus Scitis igitur Quod Nos
ut monumentum æternum gratiæ nostræ et illius mer-
itorum dictum Nathanielem Johnson ad Statum
gradum stilum dignitatem titulum et honorem Cassiqui
ereximus præfecimus et creavimus Ipsumqz Nathaniel
Johnson Cassiquum tenore præsentium erigimus præ
ficimus et creamus Eidemqz Nathanieli Johnson nomen
Statum gradum stilum dignitatum et honorem Cassiqui
cum duabus Baroniis quarum singula continet Duo-
decim Mille Acras terræ cum omnibus Privilegiis ei
dem Dignitati pertinentibus et in æternum annexis e
Imposuimus dedimus et præbuimus Et per præsentes

pro

pro Nobis hæredibus et Successoribus nostris Domus
imponimus et præbemus Habendum et Tenendum
eadem Nomen statum gradum stilum dignitatum titu
lem et Honorem Cassiqui una cum Baronys annexis
singulisqz juribus præeminentiis privilegiis et immuni
tatibus eidem dignitati pertinentibus præfato Nath
anieli Johnson et Hæredibus suis secundum tenorem
Fundamentalium nostrarum Constitutionum in perpetuum
Volentes ac per præsentes Consedentes pro Nobis hære
dibus et Successoribus nostris Quod prædictus Nathan
iel Johnson et Hæredes sui prædicti Nomen statum
gradum stilum dignitatem titulum et honorem Cassiqui
successive gerant et habeant Baroniasqz annexas e
possideant et eorum quilibet gerat habeat et possideat
et per nomen Cassiqui in omnibus vocentur et nuncu-
penter et eorum quilibet vocetur et nuncupetur Quodqz
Idem Nathaniel Johnson et hæredes sui prædicti e
successive Cassiquie in omnibus teneantur et ut Cassiqui
tractentur et reputentur et eorum quilibet tenatur tract
etur et reputetur habeantqz teneant et possideant et
eorum quilibet habeat teneat et possideat prædicta dus
Baronia in perpetuum annexa Solventes pro qualibet
Acra Denarium unum legalis monetæ angliæ annuatim
Nobis et Hæredibus nostris Quæ Solutio incheanda est

sub

sub finem Biennii post ejus illius occupationē Memoratus dictus Nathaniel Johnson et hæredes sui prædicti gaudeant Et utantur et eorum quilibet gaudeat et utatur pernomen Cassiqui omnibus et singulis Juribus Privilegiis præminetiis et munitatibus Cassiqui in omnibus rite et de jure pertinentibus In cujus rei Testimonium has Litteras notras sub magno Sigillo nostro Carolinæ fieri fecimus Patentes Datum per manus nostras Prime die Aprilis Anno Domini Millesimo Sexcentessimo Octogesimo Sexto Annoqꝫ Regni Domini nostri Jacobi Secundi Dei gratia Angliæ Scotiæ Franciæ et Hiberniæ Regis Fidei Defensoris &c et Secundo:

Craven Paltin Albemarle C. P. Colleton, John Archdale
Tho: Amy

Recorded this Patent in the Secretary's Office
in South Carolina the first day of February
Anno Dñi 1689

I. Hobson Dep.ty Sec.ry

A True copy of S.r Nathaniell Johnsons Patent for Two Baronys and the Dignity of a Cassique in South Carolina. Enroled in the Auditors Office, in the Province Aforesaid the 11.th day of May 1733 in Libro 3 folio 233

Exam.d Ja S.t John Depu.ty Aud.r

Recd & Read 3 Octob.r 29.th 1734

B P R O South Carolina vol 7 B 2

E 44

Lincolns Inn 1st Nov 1731

To Mured Popple Esq

Sir

Enclosed is a draft of the Heads of a Quit Rent Bill which hath been settled by me and ye Solicitor General and is submitted to yr Lords for Trade and Plantations. I am greatly obliged to them for their kind present of the Books which you sent me and desire you to return them my thanks for yr same I am

Sir

Your very humble servant

J Willis

(Inclosure)

(Inclosure) The heads of a Bill for providing His Majesty a Rent Roll for securing his Majestys Quit Rents for the Remission of Arrears and for the better Settling Strengthning and cultivating his Majestys Province of South Carolina

It is humbly proposed

That all persons seized or possessed of any Lands within the province of South Carolina do within Months after passing the intended Act register their Original patents or Grants from his Majesty or the late Lords proprietors under which they respectively claim in the Office of His Majestys Auditor General of the plantations or his Deputy who shall be obliged under a Certain penalty to Register the said patents or Grants in a Register or Book to be kept for that purpose the persons Registring paying the Fees for such Registring as have been usually paid in the Sec^{ry} Office

Except such persons whose Original Grants or patents from his Majesty or the late Lords proprietors or Memorials thereof have been already registered in the said Office

That all Grants hereafter to be made in the said province from his Majesty his heirs and Successors be also Registered in the said Office within three months after the passing of the said Grants and all Grants ~~to be~~ hereafter to be made from His Majesty his heirs and successors in Great Britain of lands in the said province within Months after passing of the said Grants or in default thereof the said Grants to be void.

Lands of which no patents or Grants shall be registered within Months after the making of the Intended Act to be deemed vacant

Lands

Lands and the patents or Grants thereof (if any such there be) shall be void and such Lands may be granted by His Majesty his Heirs or Successors to any person whatsoever according to the Terms of the said intended Act in the same manner as if no such Grants or patents had ever been made. With a Saving to Minors and other persons under Incapacities or disabilities natural or Civil so as their Grants be registered within Months after their Incapacity or disability removed otherwise their Grants likewise to be void and their Lands to be deemed vacant as aforesaid

Provided that if any persons who are now and who or whose Ancestors or those under whom they claim were on the 25th day of July 1729 in actual possession or Receipt of the Rents and profits of any Lands shall within the time aforesaid or being Infants or under any other disabilities within the space of after such disability removed make Oath before the said Auditor or his Deputy who are to be empowered to take such Oath that the believe* there were original Grants from the Lords proprietors or some of them of such Lands but that they have not the same in their Custody or Power or know where they are and shall deliver to the Auditor or his Deputy a particular of the lands they are so in possession of and claim Title to and shall also Register the last Mesne Conveyance precedent to the said 25th of July 1729 or a Memorial thereof under which he or they claim if there was any such (which particular and conveyance or Memorial the Auditor shall be obliged to Register) in such case such persons shall not be obliged to Register the original Grant of such Lands But notwithstanding they shall be obliged to

* = either "they believe" or "the belief".

to pay their Quit Rents according to the Rate hereafter prescribed in this Act unlesswithin Months after the making of this Act they shall sufficiently prove before the Court of Exchequer that they have usually paid lesser Quit Rents in which case they shall only pay after the rate that they have usually paid

That where any persons have been purchasers before the 25th of July 1729 of any Lands bona fide and for a valuable consideration and the Original Grants from the Lords Proprietors cannot be found (such want or loss to be ascertained by the oath of the parties before the Auditor or his Deputy as aforesaid) and such purchasers or any claiming under them are now and they or any under whom they claim were on the said 25th day of July 1729 in possession or Receipt of the Rents and profits of such Lands such purchasers or those claiming under them shall be entitled to have His Majestys Grants of those Lands at the Quit Rents and subject to the Terms prescribed by this Act and His Majesties Instructions to his Governor of this Province

That all persons who are now and who or whose Ancestors or those under whom they claim were on the said 25th day of July 1729 and had been for Years in possession or Receipt of the Rents and profits of any Lands shall in case the Original Grants from the Lords Proprietors cannot be found (the want or loss of which to be ascertained also by the oath of the parties before the Auditor or his Deputy as aforesaid) shall be entitled to His Majestys Grants of such Lands at the Quit Rents and subject to the Conditions prescribed by this Act and the said Instructions

provided

Provided that where any purchasers or possessors shall be entitled to such Grants as aforesaid the persons to whom such Grants shall be made shall stand seized of the said Lands for such Estates and Interests to for and upon such Trusts Uses Intents and purposes as the said Lands were limited at and immediately preceding the Time of such Grants

That all persons who at any time before the 25th day of July 1729 were actually possessed of any Lands Tenements or Hereditaments in the said province and were at any time compelled to desert such Lands Tenements or Hereditaments by reason of the hostilities at any Time committed by Indian or other Enemies or whose Ancestors or those under whom they claim were so possessed and ejected as aforesaid shall in like manner be entitled to his Majestys Grant on due proof made of the Fact before the said Court of Exchequer in case no other person was in possession thereof on the said 25th day of July 1729 and in case no other person hath any title thereto and on such proviso and condition as aforesaid and paying ~~Procuring~~ the Quit Rents according to this Act and his Majesties said Instructions

That the said Grants to be made by his Majesty in pursuance of this Act shall be good only against His Majesty his Heirs and Successors and against those Seven of the late Lords proprietors their Heirs and Assigns whose Right and Interest is now vested in His Majesty and all persons in Trust for them or any of them their or any of their Heirs or Assigns

Saving to all other persons Bodies politic and Corporate such Right as they before had. but if the Land granted by His Majesty is not

not claimed within Seven years after the Enrolment of the Grant in the Office of the Auditor General or his Deputy the said Grant shall be a perpetual Bar to all persons whatsoever. with a Saving for Minors &c provided the* claim within Years after the Incapacity or Disability removed

* = they (?).

No person shall be admitted to claim Lands or be entitled to his Majesties Grant by Virtue of this Act unless the Claim be entred in the Office of the Remembrancer of the said Court of Exchequer within after the passing the Act with a Saving for Minors &c provided they enter their claims as aforesaid within Years after the Incapacity or disability removed

That every Owner or possessor of Lands within after passing the Act shall on every Acres of Lands which he owns or possesses Keep one able white man above the Age of Sixteen Years who shall be obliged to appear in Arms on all occasions according to the Militia Laws

That all Quit Rents reserved or made payable by Virtue of this Act shall be after the Rate of Four shillings Proclamation Money for every hundred Acres

That all arrears of Quit Rents due to His Majesty or the said seven Lords proprietors on the said 25th of July 1729 be remitted

That the Quit Rents due to His Majesty since the said 25th of July 1729 or which shall grow due for the future be paid according to the reservation in the several Grants and that in all Grants hereafter to be issued the Quit Rents be made payable on the 25th day of March yearly

That all persons from whom any Quit Rents are due and payable may attend at certain days and places in distinct Counties to be fixed by the Act so that his Majesties Receiver General may conveniently attend

That

That the Receiver General do on or before the day of in every year certify under his hand and Seal to the said Court of Exchequer a true and just account of all Quit Rents He shall have received and also an account of the Names of the persons who shall make default in payment of Quit Rents and the sums from them respectively due to the end that proper process may issue from the said Ct of Exchequer for the Recovery thereof

That all his Majestys Quit Rents be fixed and settled in Proclamation Money to be paid in Silver or in the Current Paper Bills of the province to the value thereof

If any of the Kings Quit Rents shall be behind and in Arrear the Kings Officers may distrain and his Majesty shall have all other such Ways and Remedies for Recovery of his Quit Rents as are warranted by the Laws and Statutes of England. if the Quit Rent shall be in arrear for the Space of Years and no Distress can be found on Inquisition and Office found the Lands shall be revested in the Crown

That the Secretary of the Province shall be obliged to certify to the Auditor General or his Deputy an Account of all Grants that shall pass his Office that is to say the name of the Grantee the Quantity of Land and the parish and County where it lyes and the date of the Grant and that the said Secretary shall enrol all Grants in his Office at large before they Issue

That no Grant or patent made by the late Lords Proprietors their Govern[r] or other persons by them authorized or appointed to Grant Lands shall be void for any want of form therein or in the Execution thereof

Provided that this Act shall not extend to make good or confirm any Grants or patents where the Lands Granted or intended to be granted

are

are not particularly described in the said Grants or patents unless the Lands have been surveyed in pursuance thereof before the 25th day of July 1729 and the persons claiming under them were in possession upon the said 25th July 1729

That all Claims to be made in pursuance of this Act shall be made by petition to the Court of Exchequer of the said province which Court shall be held for that purpose according to His Majestys Instructions and which Court may direct an Issue or Issues if they think proper to try any matters of fact and shall and may hear and determine such Claims and all disputes that shall arise concerning the same and such Determinations shall be Final unless appealed from within the space of to His Majesty in Council

That all claims to be made for Lands possessed or purchased under the circumstances aforesaid shall be published by direction of the Court of Exchequer by a notice in writing to be affixed at the Church door or if no Church at ye most noted place in the District or Parish where the Lands claimed shall lye for three Sundays at least before any Determination made thereupon and no Grant shall Issue until due proof shall be made of such notice given.

That Archdales Act be repealed

J. Willes
D. Ryder
Oct. 31st 1734

Rec.d 1 Nov 1734
Read 2 Jan 1735

B P R O South Carolina B T Vol 1 E 38.

(1st November 1730)

At the Council Chamber Whitehall
the 1st day of November 1730

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

His Majesty having been pleased by his Order in Council of the 24th of last month to refer unto this Committee the humble Petition of Richard Shelton late Secretary to the late Lords Proprietors of Carolina humbly praying for his Majestys Confirmation of a Grant of One Barony containing twelve thousand Acres of Land at the Yearly rent of One Pepper Corn if demanded, made to him and his Heirs for ever, by the said late Lords Proprietors, in Consideration of his long and faithfull Services, and also of the Money then due to him as Secretary to the said late Lords Proprietors The Lords of the Committee this day took the same into their Consideration And are hereby pleased to referr the said Petition and Copy of a Warrant of the said late Lords Proprietors thereto annexed, to the Lords Commissioners for Trade and Plantations to Examine into the same, and Report their Opinion thereupon to this Committee.

Jas. Vernon

(Enclosure)

To the Kings most Excellent Majesty

The humble Petition of Richard Shelton Secry to the late Lords Proprietors of Carolina

Sheweth

That your Petr having been Secry to the late Lords Proprietors of Carolina for the Space of twenty one Years & upwards in which time he had a Consider-able Sum of Money due to him for Salary & other contingent Expences.

The said Lords Proprietors in Consideration of his long and faithfull Services & also of the Money then due to him as their Secry did in the Year 1722 Grant to your Petr One Barony or Tract of Land containing 12000 Acres & Ordered that proper Grants should be passed for the same to Yor Petr his Heirs & Assigns for ever reserving only the rent of a Pepper Corn Yearly if demanded as may appear by a Copy of the said late Lords Proprietors War-rant hereunto annexed.

That the said Grant & Warrt was mentioned by the said late Lords Proprietors in the return they made to an Order of a Committee of Your Majty most Honble Privy Council requiring them to lay before

before their Lordps the severl Grants of Lands made by them in Carolina since the Year 1719 in which they have these words viz.t

In 1722 there was 12000 Acres of Land granted to the Secretary Shelton as a Gratification for his many years Services.

To which Order of Council & the late Lords Proprietors Answer thereunto your Petr humbly begs leave to refare

That your Petr did not take up the said Lands because of the unsettled State of the Affairs of that Province till Your Majesty was Graciously pleased to take it more immediately under Your Royal Protection & Government.

Your Petr therefore most humbly prays Your Majty to give directions that the said Grant be confirmed to Your Petr upon the Terms mentioned in the late Lords Proprietors Warrant

And Your Petr shall ever Pray &c

Ri Shelton

(Enclosure)

His Excellency John Lord Carteret Palatin and the rest of the true & absolute Lords Proprietors of the Province of Carolina in America

To

To Our Surveyor General of
South Carolina for the time being

Whereas it was formerly agreed at Our Board & entered in the Minutes accordingly that We would give to Our Sec.ry Richard Shelton a Barony or 12000 Acres of Land in such part of Our Province of Carolina as he should think most Convenient We do therefore hereby require & command you to cause to be admeasured & set out to the said Richard Shelton & his Heirs for ever 12000 Acres of Land (either in one Plott or else in Parcels as he or his Agents shall give Directions so as the whole do not exceed 12000 Acres) according to the Rules & Customs of Our Province And you are to give Directions that the usual Grants for the same may be passed to him & his heirs or Assignes accordingly, reserving the yearly rent only of a Pepper Corn if demanded, and for so doing this shall be your sufficient Warrant. Given under Our hands & Seals this 31st day of November Anno Dñi 1722

Carteret P (LS) J. Bertie for D of Beaufort (LS) Craven (LS)
I Colleton (LS) M Ashley (LS) Ja. Bertie (LS)

Recd
Read } Nov.r 1st 1724

B P R O South Carolina B T Vol 6 Ent

(1st November 1734)

At the Council Chamber Whitehall
the 1st Nov 1734

By the Right Honoble the Lords of the
Committee of Council for Plantation Affairs

Whereas there was this day laid before the Lords of the Committee a Report made by the Lords Commissioners for Trade and Plantations dated the 6th of September last, upon the humble Petition of Colo John Peter Purry to His Majesty praying for the reasons therein contained, that his Majesty would be graciously pleased to Order His Governer of South Carolina to cause the Six Miles round the Township of Purrysburgh, on that side the River where the said Township of Purrysburgh is situated, which were originally included by His Majestys Instructions for the bounds of that Township, to be Surveyed and set a Part, notwithstanding any Surveys made thereof since the said Town was first marked out, and that the said Lands may be reserved for the use of the said Town, and of such Swiss or other Foreign Protestants as the Petitioner or his Agents have or shall transport to Carolina, in Order to Settle

and

and Occupy the same, and also to answer the intended Grant of 48000 Acres to the Petitioner. That such of the most Substantial and prudent inhabitants as shall be employed in directing and Assisting the rest to make their respective Settlements may in Consideration of their Charge and Trouble respectively be allowed by the Governor of South Carolina such Additional Quantitys of Land within the Limits of the aforesaid Six Miles round the said Township of Purrysburgh as shall be thought an Adequate Reward to their Services, provided the Additional Lands Granted to any one person shall not exceed three hundred Acres, and that their Services be certifyed to the said Governor by the Petitioner, That such of the Inhabitants whose Lotts are situated on a Rivulet which runs through Purrysburgh may be allowed Double Lotts in Consideration of the Extraordinary Charge and Labour which they shall be at in cleansing the said Rivulet, and Draining a Swamp or Morass situated within the Town which it is necessary to drain both for health and Conveniency. and lastly as several Foreign Protestants who have been obliged to fly their Country in Germany and other Parts of Europe for the sake of their Religion,

and

and are well skilled in the Production of Silk and Wine, are willing to go and Settle at Purrysburgh. the Petitioner most humbly entreats His Majesty, that such persons may be reputed and received amongst the Number of Swiss Protestants which he hath Obliged himself to carry to that Place. The Lords of the Committee this day took the said Report into Consideration, and approving of what is therein proposed by the said Lords Commissioners for Trade and Plantations, are hereby pleased to Order that the said Lords Commissioners do propose a Draught of Instructions for His Majestys Governor of South Carolina agreable thereto, and lay the same before this Committee

Ja: Vernon

Recd Nov: 6th
Read Dec: 14th } 1711

B. P. R. O. South Carolina B. T. Vol 6. E 43.

(5th November 1734)

The Linnen and Hempen Manufactures

of

Great Britain

Considered

Shewing

The Disadvantage that England Labours under by being obliged to Supply themselves with Hemp Flax and Tottashes from the East Countrie or Holland

And

What advantage may accrue by raising those materials in South Carolina.

As also

Methods proposd for putting such undertakings in practice

Recd Decemr 31. 1734 recd with Col Johnsons

Read Janry 1 1734/5 Lr of the 9th Novr 1734

May it please Your Excellency

In Obedience to your Excellency's commands, Requiring of me to consider the Advantages, that may accrue by Raising Hemp and Flax in this Province.

I have as it was my Duty turn'd my thoughts on that Subject, and humbly crave leave to Lay them before your Excellency as follows and beg leave to Subscribe my Selfe

May it please your Excellency

Most Dutyfull, and
most Obedient Servant
Richd Hall

Charles Town South Carolina 8th November 1734

It hath been the opinion of Several Persons well experienced in Trade; that the Linnen and Hempen Manufactures are of as great Advantage to any Country as the Silk and Woolen; for the following Reasons viz.t

That Hemp and flax may be Raised in almost any Country where the Lands are fertile, therefore is deemed a more general Material then Silk or Wool the former requires a perticular Climate for producing Mulberry Trees for the Silks worms and the latter certain sort of Passturage for Sheep to feed and Range upon. the Variety of flax is such that one pound of Course Brocass, may not be worth one Shilling; and one ounce of Lace worth twenty pound; So that flax Employs all Conditions as appears by Mr. Addissons Remarks on Severall parts of Hally Pag 280 that the Town of St Gaule in Switzerland is altogether Suported by the Linnen Manufacture, which So Employs all degrees and Conditions of its Inhabitants, being the Adjacent Countries furnish them with Vast quantities of Good Flax; Out of which are said to make yearly forty thousand pieces of Linnen Cloth, Reckoning two hundred Ells to each piece Some of their Manu-

-factures

-factures are as fairly wrought as any found in Holland, for they have excellent Artizans and great Comodities for Whitening. they Reckon in the Town of St Gauls and the Houses that Lye Scattering about it near tenn Thousand Souls:

Now as the above fabrick is Computed to be Equall in finess to any made in Holland it may be Estimated at twelve pence Sterling p Ell one with the other which Amounts to 400£000 Annually and that made in a small Country where the whole are but ten thousand Persons of which no Doubt are some that don't assist in any part of the manufacturing Such Linnen, from whence may be Computed that Great Britain and Ireland farr exceed the above Number Exclucive of Such as are actually Ingag'd in other Trades or manufactures. So that if England &c were Suply'd with proper materials at as cheap a Rate, they might furnish their own and foreign markets with the Several Sorts of Linnen upon equall terms, with their Neighbours.

There are great Numbers of as fine Spinners in Scotland as any in the known world and if they had quantitys of good flax are capable of

Spinning

Spinning yarn fitt for making Cambricks of all Sorts which if only to Supply our home Consumption would be a Considerable article and as for the Severall Sorts of Linnen and Sail Canvas, few or none exceed what is made in England & Ireland for goodness; But as they are Supply'd with most of the materials from the East Country and Holland at so great a disadvantages that those Countries will under Sell us, both in our own and forreign Markets Exclusive of the Duty laid upon Such as is imported into England. And it is to be feared that this will be a growing hindrance to Our Linnen and Hempen Manufacture; for when the late Czar of Muscovie was last in Holland & the Dutch made him a Present of Severall Artificers, Some of which; were well Skilled in making of Saile Canvas, in which they have made Such a Progress; as to be able to under Sell, any others in Europe either for Canvas Course Linnen or Cordage; and while the English are under the Necessity of being Supply'd with Hemp flax and Pottashes from the East Country; Muscovie may always lay such a Duty upon those Comodi ties as shall be equall, or exceed any duty laid upon their Canvas &c Imported into Brittain; from whence

their

their Seems a reason for England to think of finding out Some Method of being furnished by raising those valuable materials in some parts of His Majesties Plantations in America for which purpose South Carolina Seems to be the fittest having great quantity of Sand Suitable for raising Hemp and Flax, and Sufficiently Stored with the Severall sorts of Timber fitt for making all kinds of Pottashes, and no Countrie Exceeds its Conveniencys for Comodious & Navigable Rivers.

The Industrie and Enterprizing temper in the People of Carolina, may be judg'd by their great expart of Rice the Planting of which in that Province, is but of few years Standing; and their begining was with only one Bushell, and now have for some years past, near Eleven thousand 200 Ton besids Pitch Tarr Turpentine and Deer Skins; which Seems to exceed an Estimate of the Trade between England and Carolina made by that Gent who has wrote a Suplemt to Mr. Joshua Gees Treatice upon Trade and Navigation. Page 65 & 66

The quantity of British Shipping Employ'd by means of this Province, is not Less than 8,000 Ton. England hath Receiv'd Annually from that Colony, only

in

in Skins, Furrs. Rice, Pitch, Tarr. Turpentine & pipe Staves Exclucive of all Bounty to the Value of £200 000 Annually the fraight of such Shipping, would not Amount to above £20 000 and there is proffitt upon that at least 10 p^{ct} that is to say £2000 So that if I were to State the Acct between South Carolina and great Britain, it stands thus.

Imported from Carolina to great Britain of their own produce Annually	£ 200 000
To cash admitting 60 Ships each Ship to bring but 20 pounds	1 000
	201 200
To goods Sent to Carolina from this Kingdom Annually £100 000	121 600
To real expences of 5000 Ton of Shipping these voyags £21 000	
The whole gaine Annually to great Britain	71 600

By the above Estimate it apears that England gaines Annually £79 600 by the trade of Carolina in a mercantil way, then it may be Supos'd that a much further advantage might be had by promoting the Raising Hemp and Flax and making of Pottashes in this Province, so as to Supply the British Manufactures.

Suppose

Suppose 600 Bushells of Kemp Seed, for the first Year 3½ Bushells to one Acre Sows 172 Acres which is a Medium Computation might produce from 8 to twelve hundred of good Merchantable Kemp to an Acre the 172 Acres próduces 1720 hundred or 86 Ton which if Manufactured in great Britain there would be 1700. 10 Clear gaine as by the following Estimate

	£	s:	d
To prime cost of 112 pound of Kemp	1.	0.	0
To beating of D°	0.	2.	6
To Hackling of D°	0.	4.	0
To Spinning 84 pound of Soft yarn at 1½ per pound	0.	6.	9
To Spinning 43 pound of Warp D° at 3d p° pound	0.	10.	9
To Bleaching 97 pound of yarn at 3d p° pound	1.	4.	3
To Weaving 59 Yards of Maine Sail at 3d p° Yard	0.	14.	9
	4.	3:	0
By 59 yd° of Canvas sold at 21d p° yd	£ 5.	s. 3.	d 3 gain'd 1. 0: 3
	5.	3.	3

N B Some Kemp will wast 10 p Ct in beating and 5 p Ct in Hackling, in Bleaching ⅓ part wast, if well pump'd.

The Clear gaine of one hundred of Kemp Manufactured being £1. 0. 3 and the first years produce being 1720 at that profitt is £1700. 10. then the produce of Seed from 172 Acres at 12 Bushells p Acre is 2064 Bushells

Bushells, which will Sow abt 1892 Acres, by the above computation of 10 hundred p Acre is 3985 hundred manufactrd as aforesaid is 3985. 13. 9. for the Manufacturing of flax, and as there are large quantitys of clearld lands in Carolina fitt for both Hemp and flax by which in little time that Province would be able to Supply great Britain & Ireland, not only with the above usefull Comoditys in Gross but both kinds of Seed Cheaper and better, than now we have them from Holland, or East Countrie to which England & Ireland pay, near three hundred thousand pounds Sterl yearly for only Hemp Flax and Seed which is paid mostly in Ready money or Bill by way of Amsterdam, whereas Carolina would take British Comodities in Return for the above produce which would make above thirty p^{ct} between that and the manner we are now obliged to deal with Moscovie.

There are few or none of the Severall Sorts of Asshes, used in Bleaching and Soap Boyling, to be had at Petersburgh, where most of the Hemp is Seaden and the Dutch, having had a longer use, of such Asshes as likewise a more frequent trade to the different parts of the Baltick furnish themselves, with those materials Cheaper than the English by 10 p^{ct} But if such

such Comodities were raised and prepared in Carolina; where the Land and Situation is So well Accomodated with Numbers of Navigable Rivers, that Ships may load either at Charles Town, Port Royall or Wigniaw, in Such manner as may Ballast with Ashes and fill up with Hemp and flax which is an Advantage few or none of the Ballick Ports admitt off.

It might be objected, that as Carolina lyes so farr Remote from England, that the length of the passage may Damage the Hemp or Flax Seed (if any Sent) to which may be answered; that the Climat is So hott and Sereen at the Season for saving the Seed, which is in the Months of June and July. that the Seed will be Sooner fitt for packing in Cask Vt for Exporting, than in Holland Vc where they don't thrash or Beat out that Seed till about September, when the Aire begins to be fogey and Grose, and tho Carolina is a greater distance than Petersburgh from England; yet Ships are frequently from Charles Town to Bristol or Corke in as little time as from Some part of the Ballick to the foresaid places.

The Inhabitants of Carolina, have Acted with Conduct and Couredge in their Defence against the Spaniards and Indians which hath been a Considerable

charge

charge to the Province, yet they have lately Shewn their willingness, in Contributing and Selling towards the Raising of Hemp and Flax, by allowing a person Recommended by the Rt Honble Lord Carteret, to Have Skill in Raising Hemp &c and the said person was sent to England and Holland, in order to purchase both sorts of Seed (to say) three hundred Bussheles of flax Seed, and some Sent both in Carolina and England Judg'd that too Small a quantity advised that more should be brought, therefore the said person did purchase 462 Bussheles of Hemp and 60 Bussheles of flax Seed in Holland and Shipt it the 8 January at London on board the Happy Gilbert. William Paul Master, bound for Charles Town but by neglect of said mastr not leaving London till the 20th of the same month, we hapened to meet with Contrary winds and were detained in the Chanel till the 28th of March, So that we did not arrive at Charles town till the 15 May, which was too late for Sowing the Seed that Season and Hemp Seed is of Such a Nature as not to grow if Rept out of the ground for one Year.

This unhappy Accident proves a great disapointment to the Sent of this Province; who flatterd themselves

selves with hopes of being Soon in a Condition, to furnish Great Britain with quantities of Naval Stores and other Materials for Manufacturing in Such manner, as might be Deem'd as advantagious to England as any of His Majestys Governments in America.

It hath been found by Severall small by parcells of Hemp and Flax, Sown upon different kinds of Land in this Province, that the former is of a soft kind, near to the Nature of Ancona Hemp, and the latter is of so Silkey Nature, as may be Spunn to any degree of finness.

The Honble Coll^o Tenwick Sow'd about half an Acre with Hemp Seed the begining of March last upon Middling upland, yet the major part of the Hemp grew about eight foot long, fine Stalks and well Shin'd here are large tracts of Swamp and Savanas, that are found to be exceeding fertile, and good part of the up Lands are productive of Bearing as fine flax as hath been known in Egypt.

It hath be computed, that within what is Call'd the Settlements, to say from Kigniaw to Port Royal that there is at least two Million of Acres, and Admitt but one twentieth part of Such Land fitt for Hemp & one tenth for Flax, that may produce

Sufficient

Sufficient quantity of both Sorts to Saply the Demands of Great Britain.

If the above mentioned Hemp Seed had Arived in time, for Sowing last Season; answered according to expectation, it is believe that his Excell^{y} the Governour & would have taken the following methods, for the better Establishing the Hemp ^{y}

To have apointed Distinct Districts for four Skillfull Itinerant Hemp and Flax men, who should have proper Instructions, to attend and Instruct the Planters as likewise to have one Superintendant to Supervise the Itinerant men to see they gave due attendance and make Just Reports to the Govr & Comissioners and for Carrying on the Pottashes, it hath been proposed to procure some persons Skill'd in that art, and Settle them in different Parts of the Province, with such Utencils as might be needfull for puting them in a Condition of Instructing the Planters ^{y}

These are undertakings that requre the Countenance of some person in Power, that can put the Advantages in a Proper light to the Legislature and as the Act for giveing further Encouredgment for the Importation of Naval Stores is near expired, it

selves with hopes of being Soon in a Condition, to furnish Great Britain with quantities of Naval Stores and other Materials for Manufacturing in Such manner, as might be Deem'd as advantagious to England as any of His Majestys Governments in America.

It hath been found by Severall small by parcells of Hemp and Flax, Sown upon different kinds of Land in this Province, that the former is of a soft kind, near to the Nature of Ancona Hemp, and the latter is of so Silkey Nature, as may be Spunn to any degree of finness.

The Honble Coll^o Tenwick Sow'd about half an Acre with Hemp Seed the begining of March last upon Middling upland, yet the major part of the Hemp grew about eight foot long, fine Stalks and well Skin'd here are large tracts of Swamp and Savanas, that are found to be exceeding fertile, and good part of the up Lands are productive of Bearing as fine flax as hath been known in Egypt.

It hath be computed, that within what is Call'd the Settlements, to say from Kigniaw to Port Royal that there is at least two Million of Acres, and Admitt but one twentieth part of Such Land fitt for Hemp & one tenth for Flax, that may produce

Sufficient

Sufficient quantity of both Sorts to Supply the Demands of Great Britain.

If the above mentioned Hemp Seed had Arrived in time, for Sowing last Season, answered according to expectation, it is believe that his Excell^{y} the Governour & would have taken the following methods, for the better Establishing the Hemp ^{y}

To have apointed Distinct Districts for four Skillfull Itinerant Hemp and Flax men, who should have proper Instructions, to attend and Instruct the Planters as likewise to have one Superintendant to Superivise the Itinerant men to see they gave due attendance and make Just Reports to the Govr & Com^{rs} and for carrying on the Potashes, it hath been proposed to procure some persons Skill'd in that art, and Settle them in different Parts of the Province, with such Utencils as might be needfull for puting them in a condition of Instructing the Planters ^{y}

These are undertakings that require the countenance of some person in Power, that can put the Advantages in a Proper light to the Legislature and as the Act for giveing further Encouredgment for the Importation of Naval Stores is near expired,

it

it is to be hoped that it will be farther Continued upon a good foundation, and if it was Enacted that all Pottasshes made in any of His Majestys Plantations in America, to be Duty free it would be an Inducem^{t} for the making and raising such Comodities in those parts as would be highly Beneficial to the Linnen & Hempen Manufactures of great Britain &c

B. P. R. O. South Carolina B.T. Vol 6 E 42

South Carolina Novr 9th 1734

My Lords

In Obedience to Your Lordships Commands transmitted to me by Mr Popples Letter of the 20th of May last to enquire what further Encouragements may be necessary to Engage the Inhabitants of this Province to apply their Industry to the Cultivation of Naval Stores of all kinds; And likewise of such other Products as may be proper for this Soil and Climate (That do not interfere with the Trade and Product of Great Britain) I have duely considerd thereof and taken the advice of Such here as I thought Capable.

Hemp. The General Assembly of this Province did the last Sessions pass a Law Whereby they gave unto Mr Richd Hall One Hundred Pounds Sterl^g p annum and sent him to Holland to procure three hundred Buch^ls of Hemp Seed and twenty Bushels of Flax Seed, but was so unfortunate as to Ship the s^d Seeds on Board of Capt Paul, who stay'd so long in London, and afterwards detained Nine weeks in the Chanel by Contrary Winds, That he did not Arrive here til the 15th of May, to late (as it was found by Experience) to plant the same, and its generally Concluded, that the

the Seed is spoilt; But the Assembly is now met When I will Strenuously recommend the Affair of Hemp to their Consideration, And to send to Philadelphia and New York to procure Seed for that Purpose. The said Mr Hall is obliged by the Law to instruct our Planters to manure, cultivate and manage Hemp till it is fitt for the Market (for which he is Extreamly well Qualified) The Law that now Subsists in Great Britain; That allows a Bounty on the Importation of Hemp, Expires in about Six Years I think, If the Parliament will Continue the Same for a longer Term of Years, it will mightily Encourage our Industrious Planters to proceed thereon with Vigour. When any Progress is made in it Shall inform Your Lordships.

Flax Mr Hall is of Opinion That Flax also would do extraordinary well in this Country, and if a Bounty was given thereon it might much encourage the propagation thereof

Live Oak. Here are in great Quantitys Live Oak Timber Trees grow in this Province, and in His Majesty's Province of Georgia which Oak by reason of its durableness, crookedness of Growth Suitable to the most difficult Timbers, in building Men of War, is Superior to

to any English Oak, Which is the Opinion of Men of good understanding whom I have conversed with. Particularly of one Berry who was lately a Builder when I was in England (if not now) in His Majesty's Yards in Deptford, who built a Ship thereof in this Province.

Cyprus. We have in this Province a vast Quantity of Cyprus Timber (almost inexhaustable which is Extraordinary good and durable free from knots, and very proper) as men of understanding do affirm) for Decking his Majestys Men of War, because of its durableness and lightness when dry. And Men of Judgement are of Opinion That it would make very good Masts for His Majestys largest Ships, some of them are five foot thick at the bottom, and carry a good thickness all along as farr as Eighty foot wth out Limb or knott. There's a great many of those Trees that are thirty Six Inches and upwards through, and Seventy five feet long; It's true they grow in Muddy watery grounds, and are very heavy when cut down green, but being squared and put upon Logs a Considerable way from the Ground, I'm informed will grow very light, and they may easily be brought out of the Swamps in flood time, which is generally

twice

twice or more in a Year. This Timber (in my Opinion) deserves your Consideration. Here's this great advantage that attends (both live Oak and Cypress, the former grows upon Continent and Islands near the Sea, the later in Swamps adjoining to fresh Water Rivers, so that there will be but very little Occasion for land Carriage. Yellow Pine of Moderate Size for Masts are Plenty, and esteemed better than White Pine of New England.

We have not that Quantity of White Oak in this Province, as they have to the Northward, But I am informd it is Superiour in Quality. For Capt Austin built a large Ship for Mr Bragg about 20 Years since, and the Indians Warr Obliged them to Send to Virginia & Rhode Island for Plank, and he informed me, that what came from Virginia was better than that that came from Rhode Island, and Some that he had cutt here was better than either.

Boards, Planks &c I have been informed that the Swedes and other Northern Countrys have risen the price of their boards Plank &c. to almost double to what they were sixty Years since. But the distance is so great from this to Great Britain and the freight

consequently

consequently high, that We cant pretend to go there on, without encouraged by a Premium

Pott & Pearl Ashes. Here is in this Province a Swedish Gent.r (Who as I'm informed) has sent for a Person that understands the making of Pott Ash in Order to proceed thereon. And there is now in Georgia. a Person that has fixed his Works in Order to make Pottash, Some of which will be Speedily sent home to Mr. Oglethorpe. Who undoubtedly will communicate the same to Yr Lordships. and if the Duty of 5s Comod.y (as coming from America) be taken off. it will be a great Encouragement, for many others to proceed thereon, as also on Pearl Ashes, which Mr Hall is of Opinion, may be easily made in this Provnce.

Druggs. There is a design in Georgia forming to introduce (if possible) several valuable Druggs &c. from Natolia & Syria and other places in the Straights These two Provinces lye pretty near the Latitude of this Place for which reason those Commodities may probably be produced here. And if the Parliament would grant Some encouragemt for the Importation thereof into Great Britain it would Quicken and forward the Design.

Silk. Is another Commodity which this Country doth produce

produce as appears by Divers Samples that have been sent home, and well approved of by Men of good Understanding in that Commodity.

Divers Planters here and the Trustees of Georgia have lately Propagated a considerable Quantity of White Mulberry Trees, and I hope they'l apply their Industry that way, and it would be a great Encouragement if the Parliament would take off the Duty on Importation thereof to Great Britain. The Advantage which Great Britain has by Experience found by a late Act that gives us Liberty to Transport our Rice directly to Europe to the South ward of Cape Finistere so great as may be plainly made appear, and no Frauds pretended as I have heard of, that I doubt not that His Majesty and Parliament will Prolong the same, and if that Liberty was extended to the Dutch French and Spanish Islands and Continent of America, and to the Southward of Cape Ushant in France, it would enlarge the Trade and I believe an additional Advantage to Great Britain.

I beg leave to give my Opinion That His Majesty's Settlements on this Continent, particularly this Province and the Province of Georgia ought at this time

time to be Encouraged, because I am Informed that the French increase very fast at New Orleans, and are Extending their Limits by building Forts. So that His Majesty's British Empire in America is more than one half Surrounded by the French from the Mouth of the Missisipi River to the Mouth of that of St Lawrence.

I apprehend if a Considerable Premium was to be given to the first Person that made the first Tun of good Wine, a less to the 2d and a less to the third it might Induce people to plant Vineyards, and the like for Silk, for being Commodity's that require much Charge and Labour before any Profit arises from them, prevents people engaging in it, but this Province is not able to bear the Expence.

As to your Lordships Instructions of the 11th of June 1752 relating to Laws made, Manufactures sett up, and Trade carried on here, which may Affect the Trade, Navigation, and Manufactures of Great Britain they remain in the same State as when I had the Honour to Communicate my Sentiments last to your Lordships on that Subject, only we have a Potter set up here who makes Course Potters ware.

I beg leave further to observe to your Lordships

That

That Tarr and Pitch has hitherto been the Staple Commoditys of this Province by which many Familys are Supported; the Great Quantitys that have been made, especially when the large Premium of £4 ℔ Ton was given, occasions a Scarcity of Lightwood, Pine near the Rivers, and obliges going still further back, and consequently the more Chargeable in Proportion to the distance from the Landings on the Rivers, for this reason together with the Large Premium of 10/s ℔ Barril on Green Tarr, or that made from Standing Trees prepared according to the Directions of the Act of Parliament many People have Endeavoured to make it after that manner, but as yet without success, perhaps it may be for want of that Skill and Knowledge which the Sweeds &c are Masters of, which Induces me to be of Opinion that the sending over a proper Person, or any other way Effectually to Instruct us in this particular would not only be an Encouragement to the Inhabitants but also a great Saving of the Trees fit for that use, and render Perpetual the Supplys which this and the Neighbouring Provinces might Afford to Great Britain. The Augmenting the Premium on Naval Stores would be also a further Incouragement.

Turpentine

Turpentine Rosin this Province is likewise capable of producing large Quantitys, probably enough to answer the Demands and Consumption at Home altho what is made at present is not very considerable it being not more than ten or twelve years since they first began and do Increase therein every Year.

I shall likewise beg leave to make further Observations on the following Heads.

As to Hemp and Flax, That neither of these have been yet produced in any Quantitys so as to render it certain that the Country is capable of it, yet it is Judged by a very Skilfull Person, One Mr. Hall that many parts of the Province is very proper for, and will produce both in great plenty, and by a late Act of Assembly this Gentleman has Incouragement to remain here three Years and Employ his Skill and best Indeavours to bring one or both if possible to perfection; of his Success therein Your Lordships will be duely Informed hereafter the Seed by him Imported coming too Late to make a Tryall the present Year, To Encourage further these Articles a Larger Premium on the former and some Premium on the latter may be needfull, as the

the great Distance hence to Great Britain renders the Navigation very Chargeable on Bulky Commoditys.

And as to Ship Timber that Excellent sort called live Oak equal or rather Superior to English Oack and fit for Standards; knees. and Circular Parts, grows in great Plenty on the Islands and filaces near the Sea Coast; our other Oaks I cannot recommend for duration or Strength.

As to Masts Yellow Pines of Moderate size are plenty and esteemed better than the White Pines of New England, but as the Country is generally low and Flatt it will be very difficult and chargeable to get out such as grow at any distance from the Water.

Cyprus Trees of Prodigious size of four Foot Diameter and 80 or 90 Foot High free from Knots are plenty and grow near the River, but whether they are fitt for Masts I can't say, the wood being pretty soft I fear they may not answer so well for that use, nevertheless they may be very fit for docking and other uses in Ship building.

I have no more to add relating to Naval Stores and as to the latter part of your Lordships Order what Products are proper for the Soyl &c.

The Country has not yet had Inhabitants who were

were Inclined or Capable of making many Trials for New Products, which leaves the more room to Hope for Improvements; as they found Rice Tarr and Pitch gainful Commoditys, very little prospect appeared of employing their time and Labour to more advantage than in those Articles, and indeed considering Our Situation, and the several Staple Products of the British Colonies, there seem few Articles left to fall to Our share, Our great Hopes has been Silk, Wines and Pot Ash, neither of these being yet made to Perfection, I mean any Quantity, and how far we may in time advance in them or other New Products cant yet be determined.

The Granting a Premium on these or any other Articles and procuring proper Persons to be sent over to Instruct, will no doubt in few years discover what this Province is capable of.

I observe Mr Popples Letter of 3d July 1733 — which came to Hand with that of the 30th of May 1734. I am at a Loss to know what Private Act Your Lordships mean, not mentioning the said Law, nor can I recolect any Private Law that has been sent in my time, but I shall be very carefull in Observing my 28th Instruction as your Lordships Direct. for the

the future.

A Few days ago I received by Captain Shubrick Mr Popple's Letter by Your Lordships Orders dated the 22d of August last, relating to Lands being taken up within the 6 Miles Line of the Township of Purrysburgh and the Attorney and Solliciter General's Opinion thereupon.

I must beg leave to State the Facts as to that Matter: And as soon as Mr Purry had marked the Tree where he designed the Middle of his Town to be, I issued a Proclamation prohibiting any person taking up Lands within Six Miles of that place, for I desire Your Lordships will observe the Town and contiguous 6 Miles round, where not then Surveyed the Season of the Year not being proper for Surveying, as soon as it was Colo Bull was sent to Survey it, and found Several Tracts of Land had been Surveyd within the Limits of the 6 Miles, he reported this to the Council, and withall gave his Opinion it would be more advantagious to the Township to have what was wanting below the Town, laid out above where he thought the Land was better and they would have a larger Extent on the River. Upon this Consideration the Council being of Opinion

they

they were not Strictly confined to the Town, but had a Discretionary Power to do for the best. Ordered Colonel Bull to give double the Quantity above the Town instead of below. Mr Surry was then at the Town and made no Objection as Col: Bull told me, but afterwards he and the people of Purrisburgh altered their Sentiments, and he Petition'd the Council to have it altered, I told him the Council would consider of it, and do the Township Justice, but he dropt the Application And as it seems by Your Lordships Letter has Applyed to His Majesty: The Township and 6 Miles not being run out occasioned these Surveys, for it is Impossible to Judge of distances in the Woods, for which reason we have had both the 20 000 Acres and 6 Miles of the other Townships Surveyed and marked to prevent mistakes. when his Majesties Orders come over I shall cause a new Survey to be made, and I belive the people of this Province will acquiece in parting with them, there are not many, for as soon as I found the uneasiness it gave the Township I refused Sign ing such Grants as I could discover were likely to be within the 6 Miles Line of the said Township, besides since I have found such Mistakes have happen'd

there

there is a Proviso in all Grants that they shall not be within the Six Miles Line of any Township as to Mr Thorpes Barony run out upon Mr Lowndes Patent, and said to be within the 6 Miles Line of Purrisburgh, Mr St John took upon himself to have it Surveyed, without any Warrant from me.

Your Lordships are misinformed as to 8.000 Acres Surveyed for me and in my name within those Limits. The Case is thus, about the time Coll: Purry had marked the Tree where he designed this Town, Col: Col: Bull acquainted me he believed he knew of a good piece of Land worth having and If I pleased he would Survey 12000 Acres of it for me upon my Patent as others had done; The Survey or General was not then arrived, I found every body that had Patents had made use of them and many Mesne Conveyances derived from them, mine was at One penny p Acre Yearly Quit Rent by which I thought the King could not be damaged, for it was a much higher Rent than I was Impower'd to Grant Lands at, Col: Bull Surveyed 12000 Acres for me, it so remained till the Quit Rent Act was passed, and sent home, after which I was Informed His Majesty disapproved of that part confirming the Patents

Patents, upon which I resolved not to dispute with His Majesty, or set a bad Example to others in relation to Patents, but swore to my Family right, relingquished 4,000 Acres of the 12000 and issued a Warrant to resurvey 8000 Acres of it to Hold it at His Majestys appointed Quit Rent, which I was Qualified to by the Number of Souls in my family to take up; But the Land Jobbers used me in a most unparaled and unjust manner for by Contrivance between Mr St. John His Deputy and them, they got upon the Land a day before the Deputy who had my Warrant came there and Surveyd the best of it for themselves without regard to the Justness of the Survey or the Kings Instructions for Surveying Land, returned their Platts into Mr St. John's Office, which he Certifyed, altho he refused mine which was returnd the next day; I appealed to the Council who gave it in my favour, and they ordered him to Certify my Platt in the usual Form, which he likewise refused, and they have applyed to His Majesty to have the Land against the Councils Decree, thus am I put upon Tryal whether I shall have a Foot of Land either upon my Patent, or Family Right, and those are the People who at the same time represent I have

have run it upon the 6 Miles of Purrisburgh but dont think that an Objection to having it themselves, being striving for it at this time.

As to its being within the 6 Mile Line of Purrysburgh Col: Bull assures me when he Surveyed it, he thought it more than 30 miles from it, but does now apprehend if a Survey was made which hitherto has not he believes 3 or 400 Acres of the 5000 may possibly fall within the 6 mile Line; I have all along told the people of Purisburgh if it so happen they are very well come to it.

This my Lords is a true state of the case, and thus am I misrepresented by the Lands Jobbers in every thing I do, while they by deceipt and fraud endeavour to rob me and others of their Rights, and the Legislature of the Worthy caracter they deserve.

I must beg Leave to Inform your Lordships of an affair which perhaps my be represented from Virginia as a Hardship done them, the Young ungovernable fellows of the Cherokee Indians, but far from being the Generality of them have of late been very Insolent, they have threatned Several of our Traders to take their Lives away, if they did not sell their goods

cheaper

cheaper than they can Afford, altho' Prices of all Sorts of goods are settled by agreement betwixt them and us, and they actually proceeded so far as to Seize a whole Store of Goods to the Value of 4 or £500 this Currency. Our Traders were so Allarmed that they durst not go into their Towns again, and the General Assembly passed a Resolution that no Trade should be carried there, until they made Submission and promised Amendment. So the Trade was Intirely Stopped from hence; In the meantime we had an Account that some Virginia Traders were on the Road carrying great Quantitys of Goods, Powder and Ball, which Obliged us to send Orders to Stop them at the Catawba Station till the Cherokees came down to make their Submission, which the Virginians perhaps may think a Hardship, but I hope Your Lordships will think a prudent Act of self preservation, and commendable in us not to Suffer people to be Supplied with Arms and Ammunition that had given us such cause to believe they designed mischief to the Province. The Virginia Traders saw and heard their Insolence in their Towns, and said they would not Supply them with more goods till we had brought them

t

to reason and I must observe to your Lordships that it is the Virginians underselling the Traders of this Province which occasions their Insolence to us and would oblige us to sell cheaper than we can afford; could we be free from their Attacks we should readily give up the Trade to the Virginians, but nothing keeps an Indian a friend, but finding a Benefit by do so, and supplying them with goods; they think so, and as we Expected the Stopping the Trade has brought above 60 of them to Charles Town at this time, who have made their Submission acknowledged their Fault, and promised restitution as we shall again open the Trade, and suffer the Virginians to proceed immediately we having no other View in what we did but the Preservation of this His Majestys Province, and using the properest means to bring those Savages to reason.

I have Proclaimed the five years Protection Law Repealed

And have again as your Lordships require Issued a Proclaimation, prohibiting any Lands being taken up, within 6 Miles of the Townships

Mr. Surry is arrived with about 280 Souls I

Ordered

ordered Provisions to be ready against their arrival, and I doubt not but the Assembly to whom I recommended it will make good any defficiency that may happen in Subsisting them for a year, having already Subsisted those that arrived before above a year & 8 months, besides great Assistance given to Georgia and Subsisting other New Comers from Ireland & other places.

I beg your Lordships will be persuaded I have done my utmost to have all the Publick Acts sent you; It was the last Sessions that the Assembly examined the Treasurers Accounts, I have made him draw out Copys of them, which have now lain five or Six Months before Mr St John to be Audited as I am directed before they are sent home, but not yet finished by him, but he promises they shall soon be done and then they shall be transmitted.

I have been so ill above these two months last past that it is with the greatest difficulty I am able to Indite this Letter, which I hope will Induce your Lordships to excuse the Imperfections you may observe in it, particularly such matters as appear pretty much alike, which proceeds from being

being the Opinion of different Persons. I also send Your Lord^ps other persons opinions on some of the same Heads, for Your better Information, and particularly Mr Halls Observations on the Linnen and Hemp Manufactures.

The Assembly have now under their Consideration the building a Fort on the Frontier of the Cherokee Nation, for fear the French should do the same and bring over that Nation into their Interests I am with the greatest Respect

My Lords

Your Lordships most Obedient
and most humble Servant
Robt Johnson

R^t Honble The Lords for
Trade and Plantations
Receid Decem^r 31 } 1734
Read Janry 1 } 1734/5

B.P.R.O. S^o Carolina B.T. Vol 26 p. 114.

19th Nov. 1734.

To the Right Honble the Lords of the Committee of
His Maj^ties most Honble Privy Council

My Lords/

In pursuance of Your Lordship's Order of the
1st Instant. We have considered the Petition of Richard
Shelton late Secretary to the Lords Proprietors of Carolina
together with the Warrant annexed to the said
Petition. Whereby he prays for His Majesty's Confirm-
-ation of a Grant of One Barony consisting of Twelve
thousand Acres of Land, at the Yearly Rent of Pep-
-per Corn if demanded made to him and his Heirs
for ever, by ye s^d Lords Proprietors in Consideration
of his long & faithfull Services & also of ye Money
then due to him as their Secretary.

Whereupon We take leave to acquaint Yo^r
Lordships that upon Examination. We find the
Allegations of this Petition to be true, And therefore
in Regard to the great singularity of this Case, and
in Consideration of Mr Sheltons Services. We are
humbly of Opinion that His Majesty should be Grac-
-iously pleased out of his Royal Goodness & Compassion,
to comply wth the purport of the Petitioners Request, either
by

by Confirming the above mentioned Grant of the late Lords Proprietors of Carolina or by making a new Grant to Mr Shelton, his Heirs and Assigns for ever of ye same Quantity of Land, either in One Plot or in Parcels as he shall think proper, at ye same Rent & under ye same Conditions, with that already made to him, by ye late Lords Proprietors.

We are

Whitehall
Novemr 19th 1734.

yor Lordships
most Obedt & most humble Servts
P. Dominique
J. Pelham.
Or. Bridgeman
Ar. Crofts.

B P R O South Carolina B T Vol. E 39.

(3rd December 1730)

To the Right Honble the Lords Commissioners
of Trade and Plantations.

May it Please your Lordships.

I have Perused a long Paper Signed by Mr Kragg John Howlet and William Hord consisting of fifty four Pages and Entitled. 'Remarks upon and observations occasioned by the Humble Remonstrance to his Majesty of the Governor Councill and assembly of his Majesty's Province of South Carolina for and in behalf of the Merchants of Great Britain Trading to the said Province Which appears to me to be an Invective against the Governor Council and assembly of South Carolina, and I am credibly Informed that if the Reflections contained in the said Paper had been Inserted in any Pleadings in the Courts of Westminster Hall the same would have been ordered to have been Expunged, and the Persons inserting the same animadverted upon.

But admitting that the observers had a right to make such Reflections in the nature of a Charge against the Governor Council and Assembly, I doubt not but your Lordships would think it reasonable that a Copy thereof should be transmitted to Carolina with directions to

to the Governor to send an answer to such parts of the same as your Lordships should think material to be answered.

As to the appropriation Law, which the Lords of his Majesty's Council have again referr'd to your Lordships. I must entirely submit it to Your Lordships whether in the Situation the affairs of the Province now are, the repeal of that Law would not be highly detrimental to the Province, and I am willing to hope that the Remonstrance of the Governor, Council and Assembly, and the Petition of Colonel Parry will have more weight with your Lordships than the Remarks made thereon by the Observers and the rather, As the appropriation Act will expire in a little more than 3 Years

What the Remarkers seem principally to aim at is the taking off the Duty upon the Importation of Negroes which I humbly apprehend has no Relation to the Appropriation Act, for if that was repealed, this Duty upon Negroes would still subsist, and whether that Duty ought or ought not to be continued, I shall not Presume to advise much less to direct what is proper for your Lordships to Report.

As to the Paper itself the matters it contains are slung together in so very incorrect and indigested a

a manner and many of them so wholly immaterial to the Appropriation Act, that I shall hope for an easy excuse from your Lordpps If I do not follow the Observers in the method they have made it their Choice to pursue. For according to the best of my apprehension they have attempted to Puzzle and Confound that which is exceeding clear and Plain in itself and as if they were conscious that the merits of the Case were against them they endeavour to divert your Lordships attention from the material Points by many severe and I hope unwarrantable reflections thrown on all the governing Powers of the Province. But your Lordships discerning Judgement is not to be deceived by such artifices as these nor will your Lordships approve of being applied to in so unbecoming a manner.

I shall my Lords use my best endeavours that what I have to submitt to your Lordships consideration may appear in a very different manner. For as I am convinced I have right on my side, so I shall avoid every thing that may tend to perplex and confuse the matter and lay as clear and true a State of the case before your Lordships as I am able.

The Province of South Carolina having in the time of the late Lords Propriet.rs contracted a very large and heavy

heavy debt in their Defence against the French and Spanish Invasions and in their Wars with the Indians, they had no other Expedient to discharge the same but by Creating and Issuing Paper Bills of Credit.

For calling in and sinking these Bills of Credit by Act of Assembly of the said Province amongst several other Duties a Duty of 10 ^{s} that Currency which is Equivalent to £ 1. 8. 0 Sterling was laid $\mathfrak{P}$ head on the importation of all Negroes above 10 Years of Age, 5 ^{s} on all Negroes under 10. Sucking Children Excepted— And all which Dutys amongst others were made a Fund for calling in and sinking the said Bills of Credit.

These dutys amounted communibus annis to 12 ^{L} 000 per annum of which 8000 per annum was computed to arise from the duty on Negroes only.

Of these Bills of Credit 10 £ 30 ^{M} Carolina Currency was subsisting when Coll^{o} Johnson was appointed Governor of this Province under his Majesty and the Merchants of this Kingdom Trading to Carolina were then so sensible of the Necessity there was for a Continuance both of Paper Currency & of the s^{d} Dutys that in a Memorial then Presented to your Lordships from the whole Body of the Trade and signed by no less than 21 Carolina Merchants and amongst the rest Mr Bragg

and

and Mr Hulett two of the said Subscribers to the said Paper of Remarks they represent.

That the yearly Exports of the said Province amount to upwards of 100,000 Sterling and that the present Paper Bills being about 100 000 does not amount to more than 15000 Sterling and in regard the said Province is already under a verry heavy debt occasioned by their late Indian Warr and the Forces they are still obliged to keep in Pay upon their Frontiers. They humbly Pray your Lordships to Represent their Hard cases to his Majesty That he may be graciously Pleased to allow the general Assembly of the said Province to call in all the old Bills and in Lieu thereof to Stamp and issue 100 000 and no more in new Bills of Credit, And that the Act subsisting for sinking the Paper Currency might be suspended for 7 years and the Sums arising thereby be annually applyed towards the Buying of Tools and Provisions for such Poor Protestant people, that will go and settle there agreeable to the Prayer of the Memorial. And for the more ready and effectual settling of the Province your Majesty was pleased to allow Governor Johnson by virtue of the 20 Article of his Instructions to give his assent to an Act for suspend.g the first design of the above mentioned Act for sinking the Old Bills and for applying

applying the said sinking Fund for the Space of Seven years to the Purposes aforesaid, provided the Assembly should pass an Effectual Law for registring Grants and regulating the future Payment of Quit-rents and the Clause for the suspension should be made part of that Law.

25 August 1731. The Appropriation Act now under your Lordships consideration was passed which Act after reciting that the Sundry debts and charges of the Govern.t to the 25.th of March 1731 amounted to 104.775. l. 3.4 that there was due to the Publick for duties arising by virtue of the first mentioned Act 40 000 which was then in the Treasurers hands and unapplyed — And also reciting that the duties arising by virtue of the said first mentioned Act were computed to amount to communibus annis 13 500 that Currency. 8.th 8500 p annum whereof was computed to arise from the Duty on Negroes only and which for seven years amounting to 59 500 would be wanting to pay off the said Debt of 104 775. l. 8.d allowing reasonable interest till paid.

It is enacted that as well the said 40 000 as the said 8500 p ann.m arising on Negroes should be applyed towards payment of the Publick debts and other the uses in the Act mentioned.

And

And orders in the nature of orders on the Lett or malt Duty here are directed to be made out for 104775. l. 3¼ from 5 to 30 and to carry Interest at 5 ℔ Cent payable out of all arrears of Duties to 25 March 1731 and out of the Duties arising on Negroes and all other goods thereafter to be Imported for seven years.

And 8500 of these Bills is directed to be cancelled yearly by a Comittee of the Council and Assembly till the whole are cancelled.

And 5000 per annum the residue of the 13500 thereafter to arise by virtue of the said recited Act is appropriated and applyed for seven years from 25 March 1731 to the charge of Surveying and Laying out Townships and towards praying the passage and to the purchasing of Tools provisions and other necessaries for Poor Protestants who shall be desirous to settle in the Province viz. 3500 that Currency which is equivalent to £ 600 Sterling to be paid to John Peter Purry when he should land 100 Protestants and all such further Sums as should be necessary for them and other Familys Subsistance not Exceeding £ 300 in the whole for one Year from their arrival for Purchasing Tools and Utensils and the residue of the said 5000 ℔ Annᵐ to be applyed for the same use.

And the said Act granting the said Duties is

continued

continued for seven Years and to the end of then next Sitting of the Assembly.

The reason why the whole 13500 ℔ Annum was not by this Act appropriated to the use of New Comers was that 5000 ℔ annᵐ was then deemed by the Council and Assembly an Annual Sufficiency to accomodate any number of Poor protestants they had reason to Expect

And in this case the rest of the Fund would have been dead had it all been appropriated to that use - the Legislature thought it could not apply the rest to a better use than in Payment of the great and heavy arrears of their Publick debts contracted in the defence of the Province.

But that no Encouragement might be wanting to Invite New settlers and to pursue the intention of his Majesties said Royal Instructions The Legislature Resolved and ordered that if a greater supply for new comers should be wanted they would from time to time make suitable Provisions for the same - and which has been since actually done in so large a manner that the 5000, applyed by the appropriation Act and the other Sums since applyed by the Legislature of Carolina to the same good purpose have come up to if not exceeded the whole amount of

the

the said Dutys; which unquestionable matter of Fact it is conceived is of itselfe sufficient to Free this Act from any Reall Objection.

I shall not Trouble your Lordships with stating the Report made by Yo^r Lordships on this Act when it was formerly under Your consideration any further than Just to submitt it to your Lordships whether the sole reason for your Lordships then reporting against the Act was not because the Act had not strictly pursued the Letter of his Majesties said Instruction by appropriating the whole produce of the sinking Fund to the better Settlement of the Province. Which I must admit the Act hath not done. But I cannot but Believe had your Lordships been then Informed that the Legislature of South Carolina had Pursuant to their s^d Resolve raised and applyed such further sums in addition to what was appropriated by the said Act for the Benefitt of new comers as was equivalent to the whole produce of the sinking Fund, your Lordships would have had no difficulty to have reported in Favour of this Act. and that this is the fact will appear from the account hereunto left. And to which I Beg leave humbly to refer.

This material Fact is what I was so unfortunate as to

to be unacquainted with when this matter was last under Your Lordships Consideration But as the matter is now again before Your Lordships. I am perswadid the Province will have the full Benefitt thereof and of all such other matters as I shall offer in support of the Act.

This being a true state of the Fact - - - I beg your Lordships indulgence to observe that it is hardly possible for any Act to be passed that seems to deserve your Lordships favour and esteem more than the Present. The end of it being to Encourage new Settlers and to discharge a heavy weight of publick Debts which had been long owing: Both matters which loudly called for the interposition of the Legislature And I hope I may in general be allowed to say that it was highly Prudent and commendable in the Legislature to make Provision for them.

And if so then itt is most certain this Act from the general view and Tendency of it is what his Majesty may verry properly be advised to confirm unless there are verry particular and strong objections against it.

For I most humbly hope that an Act of this Publick Benefit and utility is not to be overturned unless the Objections to it are of the greatest weight and importance.

Whereas

Whereas I humbly conceive that all the Objections to this Act Proceed on mistaken Facts or else are founded more upon matter of Form than Substance and are as I humbly hope by no means sufficient to stand in competition with or to occasion a Repeale of this usefull Act & that this may appear in a clear light I have collected the several matters alledged against this Act either in the Petition or Paper of Remarks and stated them by way of Objection & answer as follows.

1. Objection. By this Act the Fund which was before appropriated for Sinking the Prounce Bills of Credit is diverted and otherwise applyed for a Terme of seven Years contrary to the Publick Faith of the Province.

Answer. The diverting and applying the Sinking Fund is of Itselfe no foundation for an Objection against this Act The Governour being expressly warranted by his 21st 20th Instruction to suspend the same for seven years and at the time of giving this Instruction the Planters and Merchants were so sensible of the absolute necessity hereof that they Joined in the afore said Petition requesting the same; so that any Objections arising from diverting the Sinking Fund from the Origi nal uses, to which it was at first appropriated must Fall to the ground, so must the other part of the

Objection

objection which states it to be in Breach of the Publick Faith.

I cannot my Lord leave this objection with.t making this one observation upon it That all the time y.e Merch.ts are charging the Province with a breach of Publick Faith in diverting this sinking Fund for 7 years wch was wt they themselves requested & wt the Crown permitted, they are praying an immediate repeale of the 4 pegr. Duty wch would absolutely destroy 2/3.ds of the sinking Fund for ever in manifest violation of the Publick Faith of the Province.

2.nd Objon. But y.e merch.ts further object that tho the Governors Instructions empower him to assent to a Law for suspending the sinking Fund for 7 Years That yett it is under particular conditions & restrictions as (1) that the whole produce of the sinking Fund was to be applyed to the better Settlem.t of the Province whereas this Act only appropriates £000 there of to that use 2.dly that a Law should be passed at the same time for Registring Grants & regulating the future payment of Quit-rents and the suspension of the sinking Fund to be made part of that Law 3.dly That an Officer should be appointed by the Governor to keep an account of the moneys to be so

applyed

applyed for the Benefitt of New Comers.
Answer. This Objection is in Substance answered by what has been before Submitted to Your Lordships consideration. That this Act with regard to the First part of the Objection does not agree with the Strict Letter of the Instruction is readily granted. But I most humbly conceive it is agreeable to the meaning and Intention of itt. The Act applys 5000 ℔ ann of the sinking Fund for the benefit of New Comers which was then apprehended to be sufficient for that purpose, and as in that case had they appropriated the whole sinking Fund to the use of New Comers it must have lain dead and useless; They thought it much more prudent and commendable to apply the Remainder in discharge of their Publick debts which had been long due, thereby (instead of destroying) to preserve the Publick Faith of the Province. But at the same time that the intention of his majesties said Instruction might be in all respects pursued and no Encouragement be wanting to Invite New settlers, a Resolution was agreed to by the Assembly to make all such Further Provisions as should be necessary for the supply of New settlers should more come than the said 5000 ℔ ann would be a Sufficient Fund for, and to

to shew your Lordships that this was not done cd ourably: The Sums the Province have since raised and paid and which they stand engaged to raise and Pay for the several Protestant Families now lately gone for Carolina in addition to the said £3000 per annum are at least equal to the whole Produce of the sinking Fund which will clearly appear from the accounts herein before mentioned and which accounts will be a full answer to and confutation of the very Partial and unfair representation of the Expences of the Province on this head in the accounts laid before your Lordships by the three Gentlemen who have signed the Paper of Observations and Remarks

And what a light does this make the opposition to this Act appear in & how can the Merchants say they are Injured and aggrieved by it. As for the Fact of diverting the sinking Fund for seven years that they cannot Complain of because they themselves desired it and the Governors Instructions warrant the doing of it.

Suppose then my Lords the whole sinking Fund had been applyed by this Act to the Benifit of new settlers would the Merchants in that case have had any Foundation of Complaint against it. And If

the

Province Provides Effectually for new Comers and have been and must be at Expences on that account equal to the whole Produce of the sinking Fund what difference does this make with regard to the Merchants whether the whole expence of the new comers is defrayed out of the sinking Fund or only part out of the sinking Fund and part in Sums raised some other way. For the Act suspends the sinking Fund for no longer time then the Terms of years they themselves proposed - And the End for which they proposed such suspension is effectual provided for so that with the utmost defference to your Lordships this seems to be an Objection grounded more on matter of Form than Substance.

The second part of this Objection proceeds on a mistake in Fact. The Assembly having at the same time passed a Law for Registring Grants and regulating the future payment of Quit rents and the suspension of the sinking Fund is likewise made part of that Law tho it is provided for seperately by this Act and which I humbly conceive is a full answer to this part of the objection how much soever the said Quit rent Act may be liable to the Objection in other respects.

The

The third part of this Objection seems to be founded on a misapprehension of the Instructions as if the Officer to keep the account of the Sums expended for New Settlers was to be appointed by the Act for otherwise it could not be made an Objection against the Act But if the Observers will reconsider the Instruction they will find it is only a discretion of the Governor to appoint such an Officer and which for any thing that appears to the contrary he may have done - But whether he has or no this can be no Objection to the Act

3d Objon. That this Act Imposes a new or additional Sum of £ 104 776 in Paper Credit

Answer This 104 776 is not in Bills of Credit But are orders in nature of Orders with us on the Malt or Salt duties and are to be sunk and called in within the seven years so that this part of the Act seems to be strictly within his Majesties Instruction - And it is conceived that there could hardly have been a method more proper found out.

For the Act directs these orders to be issued out to pretty near the amount of the Duties appropriated to discharge them - and directs the orders to be delivered in and received as payments on the

Duties

Duties and so cancelled – So that these orders are no ways injurious either to the Trade or Property of the Merchants they are not imposed on any one in Payments But everyone is left at liberty to take them or not as they see proper – They being made payable only to the Treasurer in discharge of Duties And they will be all sunk in 7 Years and in the meantime carry an Interest of Five per cent and have an unquestionable sinking Fund.

I cannot leave this part of the base without begging your Lordships Patience to acquaint you that such was the Scarcity and necessity of Paper currency in Carolina that several Merchants there issued no less than £0,000 in Notes depending on their own private Credit bearing an Interest of 10 ℔ Cent — amounting to £000 ℔ ann clear profits without expending one Farthing, and which notes they stamped with the Emblems of Liberty charity mercy and Justice and yet they complain against the Publick for making and issuing orders on a Fund and bearing an Interest only of 5 ℔ Cent. These Notes of the Merchants certainly encreased the Paper currency so much which if too much before, how came they to issue them or why do not they call in their own – and here my

my Lords was I inclineable to treat those who oppose this Act in the same manner the Gentleman Observers have treated the Legislature of the Province I might with at least an Equal appearance of Truth assign this as one of the Real causes if not the Chief cause of the opposition given to this Act with a view to destroy the Publick orders to Introduce their own notes at 10p Cent.

6 Objcon. The Act having applyed £0000 which were in arrears for the Dutys appropriated to discharge the orders the act should have directed the sinking orders only for £4 7/5 whereas it directs orders for the whole 10£ 7/5.

Answr. It was necessary to make out orders for the whole that so they might be brought into the Treasurers account. But £0000 in these orders was immediately after they were struck put into the Treasurers hands and never issued to be Current; this is plainly so from the act itselfe this £0000 arrears of debt being considered as part of the 10£7/5 and the great Pains is taken in a very unbecoming manner to charge the Assembly with having no regard to Publick Faith from a Suggestion that the 8d £0000 in orders are not cancelled yet the Gentlemen observers

observers admitt 27000 to be cancelled and they will hardly be able to shew any of them subsisting or that any of them were ever made current and I am my Lords instructed to say that the Governor hath often applyed to the Treasurer for an account of the sinking fund but hath not been able to procure itt by reason of Mr St Johns not caring to find time to audit itt And I am thoroughly satisfyed that if any of the orders which ought to have been cancelled remain uncancelled it is wholly owing to the Merchants not having duely paid their debts and keeping back in arrears for the same - But my Lords is this in the nature of it properly an Objection to the act - or is it not founded on matters subsequent to the act and indeed I ask your Lordships pardon for taking so much notice of it as I have done

5 Objn That the Fund for sinking these orders falls short to answer them by 10,000.

Answ: This indeed was an Objection made at the former hearing before your Lordships; But the Gentlemen who signd the remarks, will hardly it is believed, mention this again seeing they have endeavoured in their Paper of Remarks so largely to aggrandize the

the amount of the Negroe Duty as to leave no room to Question the Sufficiency of the sinking Fund.

6 Objn That the Assembly of Carolina made an attempt to issue further sums in Bills of Credit to the amount of £300 000

Answ. What Objection this can furnish to the present act, I own myself at a Loss to Guess. But the Gentleman observers seem to have studied how to say every thing before your Lordships that seemed to them which they thought might carry any Imputation with it to the Prejudice of the Province without regarding whether it was material to the Act in question or not. But whether in so doing they have had a due regard to your Lordships is matter only proper for your own consideration; But unless this was their design it is hardly possible to conceive such an Objection as this could have been started.

Besides do they pretend to say the Attempt was carried into Execution: And is every matter proposed in a House of Assembly, tho rejected, to be imputed to the Assembly in the same manner as if the thing had been done.

But since the Gentlemen Observers dwell so much upon

upon this Objection I will freely own there was a Bill brought in the Lower House to the effect mentioned in the Objection. But then I must likewise Inform your Lordships it had a Clause in it to suspend the Execution of it till his Majesties Pleasure was known thereon. And Notwithstanding this itt was rejected by the Council; Surely the Gentlemen Observers will see cause to repent of their having troubled Your Lordships with such an Objection as this.

It is also equally Surpryzing to find the Gentlemen so violently inveighing on this head against Paper Currency when his Majesties 21 Instruction to Governor Johnson recites Bills of Credit to be necessary for the annual service of the Government and for the daily Circulation of Trade and therefore gives Leave to the Province to strike new Bills on such a fort as may best answer the necessitys of the Province and be most conducive to the Publick utility thereof.

7 Objon. That an Exorbitant duty of 10^{li} $\mathcal{P}$ head is imposed and continued on Negroes imported and payable by the Importer to the great damage of the Trade and Manufacture of this Kingdom - And this contrary

contrary to the Govrs Instructions.
Answ. This Act Lays no new Duty at all either on the Negros or any thing else this was an old Duty raised many Years before and was part of the sinking Fund which the Marchants Petitioned and the Crown instructed Govr Johnson to have suspended for seven years as to its Original use and to be applyed to new uses.

These my Lords I take to be full answers to all the matters which are stated as objections against this Act and as I conceive it would be as improper in me to answer the several other matters in the Papers of remarks alleadged against the reasonableness of Laying a Duty on Negroes and of creating and Issuing Bills of Credit and for repealing all Laws now made or hereafter to be made for these purposes and for having a suspending clause in all Laws to be passed in this Province; As I apprehend itt to be in these Gentlemen to mention them because they are not matters at all relative to the Act now under Your Lordships consideration on the reference from the Lords of the Council; And therefore I shall not Trouble Your Lordships at present with any Observations of mine

mine on these heads But when ever they shall come properly under your Lordships consideration I am Perswaded I shall not find it any verry difficult task fully to answer and Confute all these verry Extraordinary parts of their Paper of Observations and Remarks.

But there are several other Passages in the Paper of Remarks and Observations so verry Extraordinary that I cannot in Justice to my Constituents pass them over in Silence, but must intreat your Lordships patience and Indulgence to make a few verry Short Observations theron.

And the first I shall mention to your Lordships is the Observations in relation to Coll Purey which seem more than a little inconsistent as they charge the Province first with bearing hard on the Coll: in order to save their money and then in almost the same Breath accusing the Province of a design to Evade his Majestys instructions by resolving to give Encouragement to none but Coll: Purey And to that end ordering Capt Crockatts Petition And Mr Wraggs Proposals to lye on the Table.

As to the First part of the charge itt is to be presumed Coll: Purey thought his Contract with

with the Government to be a benificial one or else he would not have engaged in it and tho Coll' Percy has been several times here yet I never heard nor do the Observers once say that he ever complained of any hard conditions of this or any other sort

And as to the second part of this charge itt is a verry heavy one indeed & ought not to have been made at all without the most strong and Plain Proofs to Support itt and in common candour and decency if made should have been Stated in their Petition, that the Province might have had an Opportunity to have answered it and not have been flung in this manner by way of observation and Remarks on a Petition from the Legislature of the Province by way of answer to theirs And from the manner and time of introducing itt I cannot but believe the whole to be a misrepresentation and what If the Legislature of the Province were to have an opportunity of seeing and answering they would easily answer and Expose And which I hope and hereby pray they may have an Opportunity of doing if your Lordships shall think this part of the Paper of Remarks and observations deserves your Lordships consideration; itt being impossible

in

in the nature of the thing for me to be sufficiently instructed in Facts thus lately started to give a full answer to itt. But thus farr I will venture to say that the Encouragements this Province has given to new Settlers and the Assistance they have given to Georgia do not at all agree with what they here stand charged with.

The Paper of Remarks further observe that there is more money remaining in the Treasury than will Pay Mr Purey what the Assembly contracted for But this is Supported no otherwise than by the account referred to by the st Paper and what Creditt that account deserves will best appear from the Accounts I have before mentioned and Submitted to your Lordships consideration.

The Paper further says the Private Interest of Coll Purey is not to come in competition with the whole Trading Interest to Carolina.

I am sure my Lords I intirely agree with the Gentlemen observers in this but I can find nothing in what has been offered either by the Province or myselfe on their behalfe which would give any foundation for this Remark.

But my Lords are the Engagements Coll Purey

Survey has entred into with the Province to be considered only with regard to the Colle.s Private interest, if it was. The Gentleman Observers have before seemed to think he had a hard bargain of it.— But surely my Lords the Publick both of this Kingdom and Carolina are greatly concerned that the Coll.o should perform his contract and on his Performance thereof he and those he brings with him will be Entitled to the Rewards and allowances stipulated for them. And till now my Lords I really thought the act so farr as it appropriated the sinking Fund for the benifitt of the new settlers was in the Opinion of the Merchants without Exception And that the only Exception to the act was Because it did not apply the whole sinking Fund for the use of new Comers, but from this part of the Observations and Remarks I find I was mistaken and that had the act applyed the whole sinking Fund for the use of new Comers that yet the act would have been opposed by the same Gentlemen who now appear against it.

My Lords the Paper of Remarks in as most unprecedented manner charge the Gov.r Council and Assembly with being guilty of a gross piece of Pre-

varication

-varication (a word the Observers seem much to delight in) in asserting that they had afforded Georgia Guards and Rangers at the Expence of £5500 a year levyed by a Tax which the Observers suppose the unwary Reader (I will not suppose they can possibly mean by this the Lords of the Council or your Lordships and yett it is difficult to think of any others who can be supposed to be readers of it would take to be a new Tax, whereas in Truth they had only removed such Guards and rangers as had been kept up for several years before in other parts of the Province, and the Province had been at no additional expence on this account, on the contrary the Expence was not so great since the Settlement of Georgia as before.

Now my Lords I Beseech your Lordships to consider with what decency the Observers have charged the whole Legislative Body in Express Terms to be guilty of gross Prevarication a Liberty which would not be suffered if used against any particular Private person here And I am sure my Lords I should think myselfe unpardonable should I have used it against Persons of a much Inferior Rank.

But is it not lyable to greature censure when its

ill is done without any foundation in fact to support it. For I am instructed to Inform your Lordships that the Province have actually added more Guards and Rangers on account of Georgia and all a Considerable Expence by continuing a Duty of three pence per Gallon on Rum which (tho' no new tax) was either Expired or near expiring and in all Probability would neither have been renewed nor continued but for the better support of that Settlement. for the Truth of which I might appeal to an Honourable Person lately arrived from thence and well known to all your Lordships.

The paper of remarks further says that the Traders surprized that the Gov: Council and Assembly of the Province should in their Remonstrance to his Majesty Intimate that some of the Petitioners are utter Strangers as well to the Proceedings as to the condition of the Province. And yett the Truth of the allegations seems admitted in the Paper of remarks which does not go so far as to say all the Petitioners are even Traders to or Persons who had great concerns in the Province and is in effect admitting that some of the Petitioners were Strangers

to

to the Proceedings and Condition of the Province Besides Merchants here may & I believe often are concerned in the Trade carrying on to a distant part of World and all the same time are strangers both to the Proceedings and condition of the Place they Trade to, and itt is very Observable that tho' a great number of names were to the Petition, that there are but 3 Names subscribed to this remarkable paper which I cannot but impute to one of these 2 causes either to the Truth of this Allegation in the Petition or that they disclaimed any hand in this Paper of Remarks: and considering the manner in which it is Penned I am Surprized to find any names to it at all.

I have now my Lords I think gone through this Paper of Remarks and Observations and upon the whole I hope I have sufficiently shewn that this appropriation Act is agreeable to the meaning and Intention of his Majesties Instructions and is no more Prejudicial to the Petitioners against it than it would have been had the Letter of the Instruction been pursued and that all the Ends intended to be provided for by the Instruction in favour of new Comers have been Effectually taken Care of and Provided for by

by the Province – And as these seem to be the only material and essential things to be considered so I am persuaded your Lordships will be induced to think favourably of this act – Especially when your Lordships consider the Consequences which must attend a Repeale of it – and what unspeakable Confusion must be thereby introduced. For the Orders thereby raised have been long Issued and by this time one halfe of the Publick Debt discharged; and what is to become of the remaining orders, or or of those, who Relying on the Publick Faith, have taken them as money? For should this Act be repealed they will instantly become of no value – so likewise with regard to the New settlers the 5000 £ annᵐ made a Provision for them will be at an End and they left unprovided for in Breach of the Publick faith. Whereas by letting the Act stand all these mischiefs will be avoided and that without any real Injury to the Petitioners against it. For as I have before humbly mentioned to Your Lordships this act is no more Prejudicial to the Merchants than it would have been had it been passed agreeable to the Letter of his Majesties Instructions.

For these Reasons with those contained in the

the

the Remonstrance of the Governor Council and Assembly I humbly hope your Lordships will be of opinion that his Majesty may very Properly be advised to Pass this Act

All which is with the utmost deference submitted to Your Lordships consideration by

My Lords

Yo^r Lordships most Obedient and most Faithfull humble Servt

Percy^l Jurye

London 3^d Decem^r 1734.

D^r

Dr The Sinking Fund in South Carolina

		£
To the Charge of surveying nine Townships at 500 eā		4500
To a Present to Mr Purey for his Charges in going to Carolina & returning to England	300.-.-	
To Dr £600 Stock being a Gratuity for bringing over People to settle Purysburgh of which has recd half	2300.-.-	
To Lodgings and Provisions for his People while in Charles Town, & for Embarkations for them to Purysburgh	500.-.-	
To a years Provision for 200 People it is computed are above 12 years old @ £22.10s each a Year	6730.-.-	
To 8 Months more for Dr People	4600.-.-	
To a Years Provision for 100 People under 12 years old @ 11.5s eā	1125.-.-	
To 8 Months Dr for Dr	700.-.-	
To Axes, Hoes, Saws, Nails, Vtl & Powder & Shott may reasonably be computed at	600.-.-	
To Cattle Hogs Vtl	400.-.-	
To the Charges of the Platts & Grants, & other Fees to the Governor Secretary & Surveyr Genl which are		

to

to be paid by the Publick by Estimation	2000.--	19725.--
To a Present of Cattle & for Embarkations for the first Settlers at Georgia	2000.--	
To the said Colony of Georgia for Act of Assembly wch appropriates 3d ℔ Gallon on Rum to raise them the Sum of	5000.--	
To Do for building Forts for the mutual Securing the st Colony & the Province of South Carolina from Indian Excursions	1500.--	11500.--
To the same Allowance for one Year to Mr Gordon & 40 Highlanders in one of the Northern Townships, & to Mr Wm York with Sundry Palatines from Philadelphia as also to several from England who claim, & have had the same Allowance cannot be computed at less than	5000.--	
	£ 47725.--	

Per Contra Cr

By the whole Produce of the said Fund for 3 years if it had all been applyed from the 20th of Augt 1731 to the 20th of August 1734 computed at 1300£ a Year 3900...

By the Ballance over paid as p contra 825...

£ 4725...

Dr The Sinking Fund at Carolina	
To the Ballance of the above Account	£725.--.--
To a yr Provision for 300 Swiss now going over of wch 200 may be reckoned above 12 yrs old at £22.10s ea	£500.--.--
To the same Provisions for 100 undr 12 Years old at £11.5s ea	1125.--.--
To Fees of their Platts & Grants	1300.--.--
To Tools Cattle &c	500.--.--
	£ 16130.--.--

Contra Cr

By the Produce of the Sinking Fund from
the 20th of Augt 1734 to the 20th of Augt 1735 1300.--.--
By the Ballance 350.--.--
£ 1650.--.--

N B. The Agreemt is for each Person above
12 Years old
8 Bushell of corn or Pease at 1/ £ 1.--.--
300 lb Beef at £3 cwt 9.--.--
50 lb Pork at £5 a cwt 2.10.--
200 lb Rice at £2.10 a cwt 5.--.--
£ 22.10.--

To every Person undr 12 yrs one half
of this is £ 11.10

To each Male One Axe
One Broad
One Narrow } Hoe

A Cow Calf & a Sow to every 5 Persons
with Powder & Shott

Recd
Read } Decemr 10. 1734

B.P.R.O. N^o Carolina B.T. Vol. 26 p. 116.

5 Decem^r 1734.

To My Lord Harrington

My Lord,

Pursuant to His Majesty's Directions signifyed to Us, by Your Lordship's Letter of the 16th of the last Month relating to a Number of Swiss Families who propose to pass over into England from Rotterdam in Order to be Settled in some of the Plantations; We have made our Report thereupon, & take leave to inclose the same to Yo^r Lordsp to be laid before His Majesty

We are

Whitehall
Decembr 5th 1734.

My Lord
Yo^r Lordship's
Most Obed^t & most humble Serv^ts
T. Docminique
T. Pelham.
M. Bladen
Dr. Bridgeman.
Ja. Brudenell.
Ar. Brofts.

B. P. R. O. A & W. I. Vol. 621.

(5 Dec. 1734.)

My Lord,

Pursuant to His Majesty's Direction's signified to Us by your Lordship's letter, of the 16th of the last Month, relating to a Number of Swiss Families who propose to pass over into England from Rotterdam, in order to be settled in some of the Plantations, We have made Our Representation thereupon, and take leave to inclose the same to your Lordship, to be laid before His Majesty We are,

My Lord

Your Lordships

Most humble Servants

Martin Bladen

Ar: Croft

Ja: Brudenell

J. Pelham

P. Dominique

Jno Bridgeman.

Whitehall
Decemr 5th 1734

Rt Honble Lord Harrington
One of His Majtys Principal
Secretaries of State.

To the King's most Excellent Majesty.

May it please your Majesty.

In Obedience to your Majesty's Commands signify'd to us by the Lord Harrington, One of your Majesty's principal Secretarys of State, in his Letter dated the 16th of the last Month, we have considered the Extract of a letter from Mr Walpole your Majesty's Ambassador at the Hague, relating to a Number of Swiss Families lately arrived at Rotterdam, with a design to come over into England, in order to be transported to the British Plantations in America.

We beg leave, upon this Occasion, to repeat what we have frequently had the Honour to represent to your Majesty, that nothing can be more conducive to the Service of the Crown and the general Interest of Great Britain, than that all your Majesty's Colonies in America, and particularly the two Frontier Provinces of Nova Scotia and South Carolina should be fully peopled with white Inhabitants.

The Lord Harrington having acquainted us that he had communicated this Intelligence to the Trustees of the Colony of Georgia, we have consulted with those Gentlemen upon the proper means of disposing

-posing of these Swiss families, who have informed us, that the Expence of transporting them to Carolina and of maintaining them for one year after their Arrival, till they shall have raised Provisions for their Support, would amount to sixteen Pounds Sterling at an average for each Person; and that the Funds of the Trustees of the Colony of Georgia being exhausted, they cannot undertake to transport these Foreigners thither upon their own Accounts.

But they have suggested to us, that if means could be found for defraying the Charge of transporting these People to Carolina, which might be done for an Expence of six Pounds ₱ Head only, they might be conducted to Purrysburgh, where they would undoubtedly be very glad to settle and incorporate themselves with their Countrymen already there; and that upon proper Orders to the Governor of South Carolina, necessary provisions would be made for subsisting them for one Year, Funds being already setled and a Vote passed by the Assembly of that Province for the Reception and Assistance of foreign Protestants.

If Money be advanced for the Transport of these People to Carolina, the Trustees for the Colony of

of Georgia are willing to take the trouble of provid-ing Ships and furnishing Necessaries for the Voyage as they have done for those whom they have transported at their own Charge; and therefore considering the Advantage that will redound to the Trade of Great Britain from the Labour of these People to the Publick Revenues, as well as the Strength that will thereby be added to this Frontier Province; and that on the other hand, if they should be totally rejected and refused assistance, their Countrymen and other Foreign Protestants, might be deterred from attempting to settle in your Majesty's American Colonies: We are humbly of Opinion that your Majesty should be graciously pleased to order the necessary Sum for their Transport at the Rate of six Pounds for each Person, to be paid to the Trustees of the Colony of Georgia for their Service, and that Orders should be sent to Coll. Johnson, your Majest[y]'s Governor of South Carolina, to make the necessary Dispositions for their Reception.

All which is most humbly submitted.

Whitehall
Decem[r] 5[th] 1734

Oct[o] Bridgeman
T. Pelham
P. Dominique
Martin Bladen
Ar: Croft
Ja: Brudenell

B.P.R.O. So Carolina Vol. 26 p. 117.

11th Decembr 1734.

To Mr Fane.

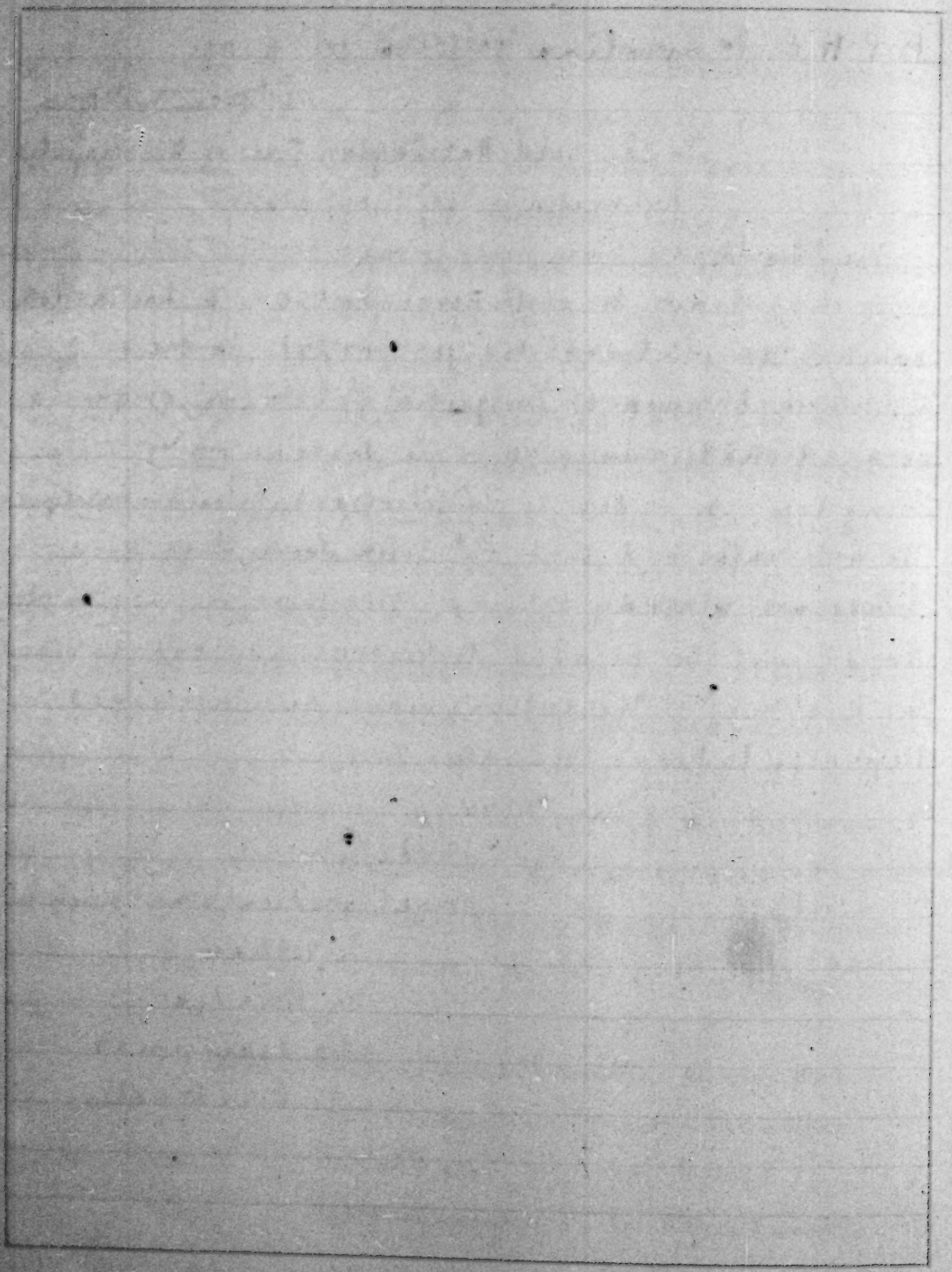
Sr.

The Lords Commissioners for Trade & Plantation command me to send you, the 42 inclosed Acts passed in So Carolina 1733 & 1734 to desire Yor Opinion thereupon in point of Law, as soon as conveniently may be I am

Yor most humble Servant

Whitehall Alured Popple

Decembr 11. 1734.



B.P.R.O. So. Carolina B.T. vol. 26. p. 117.

17th Decembr 1734.

To The Lord Harrington One of his Majesty's principal Secrys of State.

My Lord,

Since our Representation to His Majesty which We inclosed to Yor Lordsp in Our Lr of ye 5th inst. upon ye Subject of Sevll Swiss Familys then at Rotterdam, ready to come over to this Kingdom, in order to be Seated in South Carolina We are informed that abt Four Score of ye said Swiss are already arrived. We therefore desire Yor Lordp will be pleased to receive as soon as may be His Majtys Directions upon our aforesaid Representation. We are

my Lord,

Yor Lordships

most obedient & most humble Servts

Whitehall
Decr 17th 1734

T. Pelham.
M. Bladen.
Or. Bridgeman.
Ja. Brudenell

B.P.R.O. A & W.I. Vol. 621

(17 Dec. 1734)

My Lord,

Since our Representation to his Majesty, which we inclosed to your Lordship, in our Letter of the 5th Instant, upon the Subject of Several Swiss Families then at Rotterdam ready to come over to this Kingdom in order to be Settled in South Carolina we are informed that about fourscore of the said Swiss are already arrived. We therefore desire your Lordship will be pleased to receive as soon as may be His Majestys Directions upon our aforesaid Representation. We are

My Lord

Your Lordps

most Obedient and

most humble Servants

J. Pelham

M. Bladen

Ja Brudenell

Octo Bridgeman

Whitehall
Decemr 17th 1734

Rt Hon.ble the Lord Harrington

B. P. R. O. A. & W. I. Vol. 621 p.

Memo^d the 16th July 1734.

Rec^d from John Conrand Esqr at the Duke of Newcastles Office, two Petitions from the Governor Council & Assembly of South Carolina relating to the present State and condition of that Province with an Address to His Majesty from the said Govr Council and Assembly

And likewise two Affid^ts of Noah Miles and Wm Bennet relating to the Riots in Gloucestersh^r

B. P. R. O. A. — W. I. Vol. 621 p.

Memo^d^ the 16th July 1734.

Rec^d^ from John Conrand Esqr at the Duke of Newcastles Office, two Petitions from the Governor Council & Assembly of South Carolina relating to the present State and condition of that Province with an Address to His Majesty from the said Govr Council and Assembly

And likewise two Affid^ts^ of Saml Miles and Wm Bennet relating to the Riots in Gloucestersh^r^

B.P.R.O.-So Carolina B.T. Vol 26. p 118

19th Decr 1734.

To the Kings Most Excellent Majesty

May it please Yor Majesty

Many of the Inhabitants of yor Majestys Pro-vince of South Carolina have set forth by Petition to the Lords of your Majestys Treasury, that they are entituled to Sundry Tracts of Land in Granville County in that Province, by Vertue of Grants from the late Lords Proprietors, & of Warrants from Robert Johnson Esqr, in Consequence of a Manifesto, published by him, in Ireland in the year 1718 when he was Governor of this Province, for the Lords Proprietors: That several of those Tracts of Land were Admeasured laid out to them and Certifyed by the Surveyor Genl, But yt before they could obtain proper Grants of the said Tracts, the Land Office of the Lords Proprietors was shut up; and the Petitioners having been after-wards, driven off their Estates by Spanish and Italian Enemies, who plundered & burnt their Houses & Settlements, whereby ye Title Deeds to their Estates were lost or destroyed, several Persons under Colour of Patents for Landgrave & Baronne Ships have since ye year 1719. taken advantage of ye Petitioners misfortunes

misfortunes, to turn out their Lands and Possessions from over their heads, & have covered exorbitant Tracts in that Country to ye injury of the Petitioners as well as to the Hindrance of the Settlement and Cultivation of that part of the Province That some of ye Petitioners, in order to recover their Old Possessions, and others of them being desirous to become Tenants to Yor Majesty obtained Warrants from Robt Johnson Esqr the present Governor of South Carolina directed to your Majesty's Surveyor General of that Province, to admeasure & lay out to them respectively, the several Quantities of Land therein mencioned. Which Surveys were accordingly made, at the great Expence & Trouble of the Peticoners, & certifyed into the proper Offices, ready for Grants to be affixed to the Same; But the Petitioners Complain, that Since ye Sd Surveys, the said Governor Johnson, & four or five other Persons designing to Engross exorbitant Tracts of Land, & to Enrich themselves by selling the same again in Parcels, have Obstructed the Petitioners in Obtaining Yor Majesty's Grants of the Lands so laid out in pursuance of the said Governor's own Warrants, to the Surveyor Genl, under pretence of former Surveys, by Virtue of Patents; which Yor Majesty's late Attorny & Solr Genl

Genl had reported to be void.—That the said Governor Johnson hath neglected to Establish a Court of Exchequer in South Carolina, pursuant to your Majestys Instructions to him upon that Head, and that — together, with the Council, He hath assumed the Power thereof. And in an arbitrary and Extrajudicial manner, forejudged yr Peticoner's Claims in favour of Old dormant Patents to yr Prjudice of Yor Mats Title and Revenue.

Whereupon, the Petitioners humbly pray, that yr Governor of South Carolina, may be order'd to pass Grants of yr said Lands, in Yor Majties Name to yr Petitioners, whereby they may be Enabled to try yr Validity of yr aforesd old Patents, & of yr Surveys made under Colour thereof; That the Governor be ordered to pass Grants to the Petitioners, according to the Priority of their Surveys which will prevent any partiality, or undue Preference. — That a Court of Exchequer may be forthwith erected in South Carolina for hearing and determining Rights and Claims to Lands without other Appeal than to Your Majesty, that the said Court may not be under the Influence of the Governor or subject to the Awe, Power or Control, of the Upper or Lower Houses of Assembly.— That an Instruction may go to the Governor requiring that

that the Secretary of the Province, the several Clerks of the Council, and of the two Houses of Assembly, may deliver to the Petitioners on Payment of the accustomed Fees, Copies of all Acts of Assembly Records Papers and Vouchers in their Keeping, and attest the same on Oath, and that the Governor do cause the Broad seal of the Province to be affixed to such attestations. — That no Law may pass for reviving such Landgrave and Cassique's Patents as have been laid on any Lands in Granville County since the year 1718; and that the Petitioners may have such other Relief as shall be thought Proper.

The Allegations of this Petition are in part supported by an attested Copy of another Petition presented to the Assembly of Carolina in 1719. by many of the Inhabitants of Granville County, who had been driven from their Estates by the Spaniards and Indians, and by the several Affidavits of John Beamer, Richard Allein, William Hazzard, Thomas Stone, Andrew Hogg, George Hogg, George Eucat, & James Greemes, taken before the Cheif Justice & other proper Magistrates in South Carolina; as likewise by an attested Copy of the Patent granted to Lt Nathaniel Johnson by the late Lords Proprietors of that Province

in

in 1686, with the Report of Your Majesty's late Attorney & Sollicitor General thereupon whereby the said Patent is declared, in their Opinion to be absolutely void in Law; Copies of which Petition Affidavits, Patent and Report, We have for the better Illustration of the several matters contained in this Petition, annexed by way of Appendix to this Representation.

The Lords Commissioners of Your Majesty's Treasury were pleased to refer this Petition & the several affidavits and Papers before enumerated to Your Majesty's Attorney General, who hath thereupon reported his Opinion "That the Complaint of the Petitioners is well "founded and that they have very just Reason to apply "for Relief:- "That the Prayer of their Petition is a little "too extensive, but that the Governor of South Carolina "should be ordered to pass the Grants of the Lands "which have been surveyed for the Petitioners and "entered into the proper Officers, that the Petitioners "may be thereby enabled to try the Validity of the "old dormant Patents and of the Surveys made under "Colour thereof, and that in passing such Grants the "said Governor may be ordered to have a regard to "the Priority of such Surveys, that no undue Preference "may be given:- That it seems very Reasonable that the

"the Secretary of the said Province, the several Clerkes "of the Council, and of the upper and lower Houses of "Assembly" should deliver to the Petitioners, on payment "of the customary Fees, Copies of all Acts of Assembly, Records Papers and Vouchers in their Custody attested upon Oath "and that the said Governor if required, do cause the "broad Seal of the Province to be affixed to such "Attestations. — That as to the erecting a Court of "Exchequer, Your Majesty's Instruction upon this Head "seems to be Sufficient — That when such Court is erected "it ought not to be under the Influence of the Governor "or the Houses of Assembly; but as it cannot be imag- "ined the Governor or either House of Assembly will "make use of any such undue Practices, It would "be improper to give Directions in respect to this part "of the Petition, and that it would not be proper, upon "the Application of private Persons, to give Directions to "the Legislature of this Province, what Laws they are to "pass, especially since all such Laws must afterwards "be presented to Your Majesty for your Royal Approbation "or Disallowance.

Upon this Report the Lords Commissioners of your Majesty's Treasury by a Letter from their Secretary Mr. Scrope dated the 23rd of October last, have signifyed

to

to Us their Concurrence with the Opinion of Your Majesty's Attorney General, and have desired that We would obtain your Majesty's Orders to Mr Johnson the Governor of South Carolina in Conformity thereto.

We thought it proper upon this Occasion to discourse with Mr Hume, One of the Petitioners acting as Attorney for the Rest, and with Mr Fury Agent for the Province of South Carolina; And as we agree in Opinion with the Lords of your Majesty's Treasury and with Your Majesty's Attorney Genl We would humbly Propose that your Majesty's Orders should be given to Colo Johnson the present Governor of South Carolina in Conformity to the said Attorney General's Opinion But we would beg leave humbly to Submit it to your Majesty, whether it may not be reasonable that the several Claims and Pretensions above mentioned whether Legal or Equitable should not be examined and adjudged by the Barons of Your Majesty's Court of Exchequer in South Carolina, which we are informed hath been lately erected by Colonel Johnson in a Summary way, with as little expence as possible to the Suiters, previous to the issuing of the Patents prayd for by them.

All

All which is most humbly Submitted

P. Doeminique.

Whitehall
December 19th 1734

T. Pelham
M. Bladen.
Ja. Brudenell.

B.P.R.O. So Carolina B.T. Vol 26. p 127

19th Decr 1734.

To Mr Scrope Secretary to the Lords of the Treasury

Sir,

My Lords Commrs for Trade & Plantations have had under their Consideration the Petition to the Lords of the Treasury from many of the Inhabitants of So Carolina inclosed to me in your letter of the 23d of Octr last, & having discoursed with Mr Hume in Behalf of the Petitioners, do agree in Opinion with the Attorney General in his Report to the Lords of the Treasury as to the Justice of the Petitioners Request, But my Lords apprehend the respective Pretensions of the Petitioners should be ascertained by a Summary Adjudication in the Court of Exchequer previous to the Issuing of such Grants, as they desire which will be less Expensive, and in my Lords Opinion the most Justifiable Method of proceeding herein

I am therefore commanded to send You a Copy of my Lords Representation thereupon & to desire you will be pleased to lay the same before the Lords of the Treasury for their Information. I am

Whitehall
Decemr 19th 1734

Sir Your most humble Servt
Alured Popple

B.P.R.O. So. Carolina B.T. Vol. 26. p. 128

19th Decemr 1734

To the Right Honble the Lords of the Committee
of His Majestys most Honble Privy Council

My Lords

Pursuant to your Lordships Order of the 1st of the last Month We transmit to your Lordships a Draught of Instructions which we have Prepared for Col. Johnson His Majestys Governor of South Carolina, in Conformity to what was proposed in Our Report of the 5th of September last with Relation to the Township of Purrysburgh the Settlement of Foreign Protestants there, & the conditional Grant of 48,000 Acres of Land to Col Purry

We are My Lords
Your Lordps most obedient
and most humble Servants
P. Dominique
T. Pelham
M. Bladen
Ja Brudenell

Whitehall
December 19th 1734

B.P.R.O. S. Carolina B.T. Vol 26. p 129

19th Decemr 1734

Additional Instruction to Our Trusty and Welbeloved, Robert Johnson Esqr Our Capt General and Governor in Chief in and over the Province of South Carolina in America or to the Commander in Chief of Our said Province for the time being. Given at Our Court at St. James's the day of in the year of Our Reign.

Col: John Peter Purry of Neufchatel in Switzerland who by our Permission, hath undertaken the Settlement of a certain Number of Swiss Families in Our Province of South Carolina, now known by the name of Purrysburgh, and has made a considerable Progress therein, having by Petition humbly represented to us several Matters relating to the welfare of the said Settlement, We have taken the same into Our Royal Consideration together with the Report of the Lords of the Committee of Our Council and of Our Commissioners for Trade and Plantations, thereupon and being Graciously disposed to Grant our Protection to the said Settlement for the better Encouragement thereof. We have thought fit to declare Our Royal Will and Pleasure thereupon

thereupon, and you are hereby directed to cause the Lands within the Compass of Six miles round the Township of Purrysbourgh on that side the River where the said Township is situated, which were Originally Intended by Our Royal Instructions to you for the Bounds of that Township, and set apart for that purpose by the Proclamation published in Our Name on the first day of September 1731 to be forthwith Surveyed, notwithstanding any Surveys which may have been made thereof since the Place for the said Town of Purrysbourgh was pitched upon, and marked by the said Col: Purry, which Lands so set apart, shall be reserved for the use of the said Town, and for such Swiss or other Foreign Protestants as the said Col: Purry or his Agents have or shall Transport to Carolina in order to settle and occupy the same as also to answer the intended Grant of forty eight thousand Acres of Land to him. And whereas some of the most Substantial and Prudent Inhabitants have been or may be employed in directing and assisting others to make their respective Settlements. It is Our Will and Pleasure that in Consideration of their Charges and Trouble they be allowed, and you are accordingly to grant to them

respectively

respectively such Additional Quantities of Land within the Limits of the aforesaid six miles round the said Township of Purrysbourgh, as you shall think an Adequate Reward for their Services, provided always that the Additional Lands so to be Granted to any one single Person shall not exceed 300 Acres, and that their Services be first certifyed to you by the said Col. Purry. You are likewise hereby directed to grant to such of the Inhabitants whose Lots of Land are situated on the Rivulet which runs thro Purrysbourgh double Lots of Land in the said Town, in Consideration of their Extraordinary Charges and Labour in cleaning the said Rivulet and draining a Swamp or Morass situated within that Town, which is become necessary both for health and Convenience: And as several Foreign Protestants well skilled in the Production of Silk and Wine, who have been obliged to fly their Country in Germany and other parts of Europe for the sake of their Religion, are willing to go and Settle at Purrysbourgh. It is Our Will and Pleasure that they be reputed and you are to receive them amongst the Number of Swiss Protestants which Col. Purry hath obliged himself to carry or cause to be carried to that Place

in

in order to entitle him to the forty eight Thousand Acres of Land which we have been Graciously pleased to allot him in Our said Province of South Carolina in consideration thereof.

Vol-17

B. P. R. O. Journals B 2 Vol 45

Whitehall Thursday 2 Jan 1735

At a Meeting of His Majesty's Comm.rs for Trade and Plantations

present

M.r Pelham M.r Bladen

M.r Jury Agent for South Carolina attending desired their Lordships would please to let him have a Copy of the Draughts of the Heads of a Bill for securing His Majesty's Quit Rents &c. in South Carolina drawn by the Attorney and Solicitor Gen.l that he might have an opportunity of making his remarks thereon before the same should be sent to Carolina and the same was ordered accordingly

. . . . . .

12 Feb.y 1735

Order of y.e Committee of Council of Jan 13.th 1735 referring to this Board the petition of Rob.t Wright Esq Chief Justice of South Carolina against an Act passed in that province the 9.th of April last for the better regulating the Courts of Justice there and altering the time of holding Courts was read and Orders were given for sending the same to M.r Dane for his opinion thereupon in point of Law

. . . . . .

4 March 1735

The Board taking into consideration an Order of the Committee of Council of 23.rd July 1734 referring to the Board a Repres.n of the Gov.r Council and Assembly of South Carolina relating to y.e State of that province read the 30.th of July last gave directions that M.r Oglethorpe one of the Trustees for establishing the Colony of Georgia tell.r Jury Agent for S. Carolina should be desired to attend the Board on Thursday morning next upon this subject . . . . .

1735

6 March 1734

Mr Oglethorpe attending as he had been desired as also Mr Jury Mr Yonge and Capt Desmond their Lordships took again into consideration the order of the Committee of Council referring the Representation of the Govr Commtt & Council & Assembly of So Carolina relating to the State of that province and after some discourse with these Gentlemen upon the Subject of the said representation they were desired to let the Board have in writing their opinion in what manner the security of the province may best be Effected which they promised to do accordingly Ordered that a letter to the same effect be wrote to the Trustees for establishing the Colony of Georgia

. . . . . .

12 March 1735

A Resolution of ye House of Commons dated March the 11th 1735 for an Address to His Majesty for a Copy of the Representation of the Govr Council and Assembly of So Carolina dated 6 April 1734 setting forth the State of that province was read And the Secretary laying before the Board a Copy of the said Representation Colonel Bladen was desired to present the same to the House.

. . . . . .

4 June 1735

Order of the Lords of the Committee of Council of 1 May 1735 referring to this Board the petition of Robt Wright Esq. Chief Justice of South Carolina to His Majty praying that directions may be given for the future payment of his Salary and of the Arrears already due was read And the Secretary acquainting the Board that Mr Jury agent for that province desired to attend when they should

take

take that petition into their Consideration Their Lordships appointed next Tuesday morning for that purpose and gave directions that Mr Wrights sons who appear in behalf of ye said petition and Mr Jurie should have notice accordingly

. . . . . .

6 June 1735

A letter from Mr Jury Agent for South Carolina dated the 8th of May 1735 inclosing the Extract of one from Col Johnson Govr of that province relating to the Boundaries between North and South Carolina was read. and their Lordps taking the said Instructions into consideration were of opinion that Wagyamaw River is thereby the intended Boundary between the two provinces and gave directions that the Secretary do prepare a letter to each Governor accordingly

. . . . . .

10 June 1735

The two sons of Mr Wright attending as they had been desired as also Mr Jury and Mr Yonge Agents for that province Mr Shelton Secretary to the Late Lords proprietors. and Mr Hume late Speaker to the Assembly there. their Lordships took again into consideration the Order of the Committee of Council referring to this Board the petition of the said Mr Wright for his Salary and Arrears due to him as mentioned in the Minutes of the 4th Instant, and Mr Hume acquainted the Board that having for many years practised the Law in that province he was able to give their Lordships some account of the perquisites of the Chief Justices Office. which he assured their Lordships amounted to about £140 a year and no more. and that as he had no other profits thereto

belonging

belonging it was impossible for him to support the dignity of that post without a salary annexed thereto. That during the first year that Mr Wright Executed the Office the Assembly had provided for him for one year by allowing him £100 Sterling but that since that time upon some disagreement between him & the Assembly they had discontinued Voting him any salary at all that before Mr Wright's time Mr Allen was the Chief Justice and that ye Assembly had Voted him £1000 a year that Country Money which was paid him for one year but that ye Assembly had afterwards notwithstanding that no provision was made for a settled Salary for him paid him his Arrears till Mr Wright was appointed Mr Hume added that he believes ye reason why the Assembly discontinued paying the salary which they gave Mr Wright for the first year was upon account of some differences between the Assembly and him for having granted the Habeas Corpus to some persons committed by them Mr Yonge then informed the Board that he had formerly been Chief Justice of Carolina but that he had no salary during the time that he executed that Office That Mr Hill had likewise been Chief Justice of that province before Mr Allen and had no Salary And that the present Govr had done all in his power to obtain a Salary for Mr Wright from the Assembly but hitherto without effect Mr Shelton then acquainted the Board that Mr Trot had for several years been Chief Justice of the same province and that he had always been allowed a Salary of £100 a year but Mr Yonge observing that ye salary paid to Mr Trot as likewise all the Chief Justices appointed by the Lords proprietors had been paid out of the Quit Rents of the province and not out of the Annual Revenues raised

by

by the Assemblies thereof He hoped their Lordships would recommend it to His Majesty that Mr Wrights Salary might likewise be paid out of the Quitrents of the province These Gentlemen being withdrawn ordered that the Draught of a Report be prepared in favor of Mr Wrights petition

. . . . . .

Their Lordships taking into consideration the Draught of a Letter ordered likewise to be prepared the 6th Instant upon the subject of the Boundary line between North and South Carolina gave directions that Capt Burrington late Govr of North Carolina and Mr Jury Agent for South Carolina should be desired to attend the Board on Friday next

. . . . . .

12 June 1735

The Draught of a Report on ye petition of Mr Wright Chief Justice of South Carolina relating to his Salary and the Arrears thereof due to him ordered to be prepared at the last meeting was agreed and ordered to be transcribed

. . . . . .

Copies of 3 Orders in Council 1st for approving an Act of South Carolina for Settling Mr Berresfords Estate 2d Directing the Governor to grant 12000 Acres of Land to Mr Shelton in South Carolina not within the limits of any 11 Townships directed to be laid out in that province 3rd approving an Instruction to the Governor relating to the Township of Purrysburgh and settling Foreign Protestants in South Carolina

. . . . . .

An order of the Lords of ye Committe of Councel of the 24th of May 1735 referring to this Board the petition of Mr Thomas Rutherford relating to his purchase of a Grant of 12000 acres of Land in So Carolina and praying that the Surveyor General there might be directed to run out the said Land to the petitioner was also read and directions were given that Mr Rutherford should be desired to attend the Board tomorrow morning thereupon

. . . . . .

13 June 1735

The Report to the Lords of the Committee upon the petition of Mr Wright Chief Justice of South Carolina relating to his Salary and the arrears thereof due to him agreed yesterday was signed. Mr Rutherford attending as he had been desired their Lordships took again into consideration his petition mentioned in yesterdays Minutes praying that the Surveyor Genl of South Carolina may be directed to run out 12000 Acres of Land pursuant to a Grant from the late Lords proprietors to Mr Thomas Lowndes and their Lordships observing that there is mentioned in the Body of the said petition a Certificate that the late Lords proprietors had promised Mr Lowndes from whom Mr Rutherford had purchased his respective Grants should be set out in smaller Quantities as he should think meet and which Certificate is said to be lodged in this Office, resolved to consider further of this petition on Tuesday sennight and gave directions that in ye meantime search should be made in the Office for the said Certificate. [Capt. Burrington late Govr of North Carolina attending as he had been desired as also Mr Jury agent for South Carolina their Lordps

Lordships took again into consideration a Letter from Mr Jury read the 6th Instant in relation to the Boundary Line between the two provinces and desiring Capt. Burrington would give their Lordships his opinion concerning the said Line as described by the Instructions to ye respective Governors he said that in his opinion the running that Line was hardly practicable or if it was it would be attended with great difficulty and expence on Account of its being to be run at 30 Miles distance from Cape Fear River that the Boundary line between Virginia and North Carolina altho a due West Line and to be chiefly run thro an Inhabited Country had cost His Majesty upwards of £2000 whereas the Line between North and South Carolina besides the aforementioned Difficulty being to be run thro a Country almost Entirely uninhabited would cost upwards of £4000 That in his opinion the only natural Boundary between the two Provinces would be Pedee River and would be attended with no Expence to either of the provinces Their Lordships then resolved to take this matter into consideration at another opportunity and to desire Mr Craven formerly Gov. of South Carolina to attend the Board at that time & Mr Ward Agent for the Bristol Merchants attending desired their Lordships would appoint a day for considering the Order of the Committee of Council read the 30th of July last referring to the Board a remonstrance from the Gov. Council and Assembly of South Carolina. and a petition of Col Jury in behalf of the Appropriation Act as also a report of this Board against the same. and their Lordships appointed Tuesday se'night. Ordered that all parties have notice thereof

. . . . . .

1st June 1735

The Board taking again into consideration the Instructions to the Govrs of South and North Carolina with regard to the Boundary Line between the two provinces mentioned in ye Minutes of ye last Meeting appointed next Thursday Sennight for the further consideration of this matter and gave directions that Mr Craven late Govr of South Carolina Mr Burrington late Govr of North Carolina and Mr Jurie Agent for South Carolina should be desired to attend at the same time

. . . . . .

24 June 1735

A Letter from Mr Broughton president of the Council and Commander in Chief of South Carolina dated at Charles Town 6th May 1735 giving an Act of Govr Johnsons death there and that he had published his Commn as Lieut Govr of that province was read and directions were given for preparing a Letter to acknowlege the receipt thereof. A Letter to the Duke of Newcastle giving an Account of the death of the said Governor Johnson was agreed and signed. Mr Jurie and Mr Yonge Agents for Carolina attending as they had been desired as also Mr Wood Solr for ye Bristol Merchants their Lordships took again into Consideration the Order of the Committee of Council referring to the Board a remonstrance from the Governor Council and Assembly of that Provnce and a petition of Col. Purry in behalf of the Appropriation Act as also a Report of this Board against the same mentioned in the Minutes of the 30th of July 1734. as likewise the answer of ye Merchants trading

to

to South Carolina relating to that Law read the 23rd of October 1734 and the reply thereto from the Agents read the 10th of Dec 1734 and after some discourse with those Gentlemen thereupon their Lordships observing that the greatest objection to the Appropriation Law was that the Sinking Fund which according to his Majestys Instructions ought in the said Law to have been totally applied for ye use of new Comers had been thereby diverted to other uses desired Mr Wood in behalf of the Merch^ts would inform the Board whether they had any other objections to the said Law To this Mr Wood said that he would write to the Merch^ts of Bristol and speak to those of London and let the Board know their Answers on Thursday se'night. Mr Rutherford attending according to appointment their Lordships took again into consideration his his petition mentioned in the Minutes of the 15th inst and the Certificate from two of the late Lords Prop^rs relating to certain Grants of Land to Mr Lowndes read the 22d of Sept 1731 being again read Directions were given for preparing the Draft of a Report thereon

. . . . . .

25 June 1735

The Report of the Lords of the Committee of Council upon the petition of Mr Rutherford ordered yesterday to be prepared was agreed and ordered to be transcribed. The Letter to Mr Broughton president of the Council of South Carolina ordered yesterday to be prepared was signed. A letter from Mr Hall of South Carolina dated 3 May 1735 relating to the production of Hemp and Flax in that Province as

also

also to the death of Governor Johnson

. . . . . .

26th June 1735

Mr Craven formerly Govr of South Carolina Capt Burrington late Govr of North Carolina attending as they had been desired. as also Mr Fury and Mr Yonge Agents for South Carolina the Board took again into consideration the letter from Mr Fury relating to the Boundaries of North and South Carolina. read the 6th instant and after some discourse with these Gentlemen thereupon their Lordships agreed to consider further thereof at another opportunity. The Report upon Mr Rutherfords petition for his 12000 Acres of Land purchased in South Carolina to be set out agreed yesterday was signed

. . . . . .

27 June 1735

Mr Robert Hume attending desired their Lordships would appt a day for considering Mr Wrights petition against the Act passed in South Carolina for regulating Courts of Justice and they appointed next Tuesday for that purpose. and ordered that Mr Fury and Mr Hume have notice thereof

. . . . . .

1 July 1735

The Order of the Committee of Council referring Mr Wrights petition against the Carolina Act for regulating Courts of Justice read the 12th of February last was again read and Mr Fury Agent for the province

province and Mr Hume attending as they had been appointed the last meeting after their Lordps had had some discourse with them resolved to consider further thereof at another opportunity and ordered that Mr Dane be desired to attend at the same time

. . . . . .

3 July 1735

Mr Terry Agent for Carolina Mr Wood in behalf of the Merchants of the Merchants of Bristol and Liverpool together with Sr Wm Chapman Mr Hulet Mr Hume Mr Thorpe Mr Bragg and Messrs Wrights attending as they had been desired on Tuesday the 24th of the last month Their Lordships took again into consideration the Order of the Committee of Council referring to the Board a remonstrance from the Governor Council and Assembly of Carolina and a petition of Col Murry in behalf of the Appropriation Act And their Lordships asking Mr Wood whether he had any answer from the Merchants to the proposal made him the 24th of the last month Viz. That the overplus of the Sinking Fund after provision made for New Comers should be applied to the sinking of the Paper Bills current in that Province Mr Wood declared that the Merchants could not come into it but as desired their Lordships would report in favor of the petitions of the Merchants of London and Bristol referred to their Lordships Mr Bragg alleged that there was about three thousand Negroes annually imported in South Carolina And Mr Wood produced an Extract of a Letter from that province shewing that besides the

the 10^{s} per head laid upon Negroes payable by the Importers there was a Bill passing laying an additional Duty of £7. 10^{s} p^{r} head payable by the purchaser which was too heavy a Burden and much affected the Trade and shipping of this Kingdom and therefore prayed they might be repealed. But Sr William Chapman said he had no objection to the duty provided it was payable by the purchaser. Their Lordships resolved to consider further thereof tomorrow morning

. . . . . .

14 July 1735

Mr Jury and Mr Yonge Agents for South Carolina attending as they had been desired by their Lord^{ps} Mr Jury presented to the Board an Extract of a Letter from Mr Eveleigh of South Carolina to Mr Morley (the late provost Marshall of that province) in London setting forth 'that the Assembly had passed a Bill for Appropriating all ye Money that arises by the duty on Negroes to the Incouragement of Strangers. and for a Tax for sinking of the Orders which would 'have been a Law if the Govr had lived' And Mr Wood inclosed to their Lord^{ps} a letter he had received from the Merchants of Bristol insisting on their first petition to have ye appropriation Act repealed and no duties raised on Negroes imported which being both read. Their Lords^{ps} resumed the consideration of ye order of the Committee of Council read yesterday and ordered the draft of an Instruction to be prepared to the Comm^{r} in Chief of So. Carolina to assent to a Law for applying the Overplus of the duties arising from the Import

of

of Negroes after provision be made for New Comers to sinking £55000 of their paper Money

. . . . . .

8 July 1735

The draught of an Instruction to the Comm[r] in Chief of So Carolina impowering him to assent to a Law for applying the Overplus of y[e] duties arising upon the Import of Negroes after provision made for new comers to sinking £55000 of their paper Money ordered to be prepared the 4[th] instant. as also the Draft of a Report inclosing the same to the Lords of the Committee of Council were agreed to

. . . . . .

11 July 1735

The Report to the Committee of Council agreed the 8[th] Instant for inclosing the Draft of an Instruction to the Commander in Chief of South Carolina Empowering him to assent to a Law for applying the overplus of the duties of Impost on Negroes after provision made for New Comers to the sinking £55000 in Bills of Credit was signed

. . . . . .

29 July 1735

Letter from M[r] Bury dated July 29[th] 1735 enclosing an Extract of one from M[r] Abercrombie signifying that ye Boundaries between North and South Carolina are settled to general satisfaction was read

. . . . . .

31 July 1735

Mr Dury Agent for South Carolina attending desired their Lordships would appoint a day for hearing the Merits of the Act for regulating the Courts of Justice in this province 1e passed in 1734 and their Lordships were pleased to appoint Thursday next and ordered that Mr Dury Mr Hume and Mr Jane have notice to attend at the same time

. . . . . .

7 August 1735

Mr Dury Mr Sharpe Mr Hume Mr Jane Mr Yonge and Mr Wright attending as they had been desired ye 31st Ult the Order of the Lords of the Committee of 22 March 1733/4 read May 16th 1734 referring to this Board the petition of Robt Wright Esq Chief Justice of So Carolina against an Act passed in that Provce in February 1733/4 to prevent any delay of Justice that may be occasioned by not drawing the Juries which are to serve at the next ensuing Court of Comn Pleas 1e and for ye regulating of ye several Courts therein mentioned and another order of ye said Committee referring to the Board a second petition of the said Robt Wright read the 12th Feb4 last against an Act passed in the said province for the better regulating the Courts of Justice and for altering the time of holding Courts. Mr Hume said that from the first settlement of the province to the year 1719 they had no Assistant Judges The people in 1719 chose their own Govr and appointed assistant Judges till 1721 and Col Nicholson being appointed Govr by the Crown continued them as did Mr Middleton who commanded in Chief after Govr Nicholson until Col Johnson the last Govr arrived there in 1730 from which time until

Mr

Mr Wright was appointed all returns were made to ye Chief Justice and he sat alone and it continued so some time after Mr Wrights arrival But he not attending the Courts by reason of bad weather the first of the two fromentioned Acts was passed by which Act Assistant Judges were to be appointed and empowered to Act equal with the Chief Justice Leg to hold courts and to adjourn them until the Chief Justice comes and then to vote with him. before this Act the Chief Justice received all the Fees but this act has deprived him of several. That the Clause about Jurors suing in their own names is contrary to the Laws of England and may be inconvenient because if the Juror recovers and becomes insolvent the principal can have no relief. He also made some objections to ye clauses for excusing the attendance of Justices at sessions and allowing Security upon an Injunction to be given to a Master in Chancery instead of depositing the Money. He alleged that this Act was contrary to the 15th and 22d Articles of the Govrs Instructions as to the Clauses about holding Courts which are perpetual and the rest of the Act temporary for 3 years only. And that it was of an extraordinary nature and yet had no suspending Clause to prevent its Execution until His Majestys pleasure be known. Mr Sharpe in behalf of the Act said that the petition coming from a single person (i:e) the Chief Justice only came with an ill Grace especially his complaint against the Assistant Judges having part of the Fees That in the Chief Justices Commission in England there is no notice taken of puisné Judges and the Govrs appointing those Judges was consistent with his Commission and Instructions then he read part of a petition from the people of South

Carolina

Carolina to the Assembly imputing all those disturbances about these Acts to Mr Wrights ignorance in the Laws and desiring he might be suspended Upon the whole their Lordships were of opinion the both the forementioned Laws should be repealed as being unnecessary and that the Governor be instructed to Nominate the Assistant Judges it being an encroachment on the prerogative of the Crown to do it by an Act of Assembly and ordered the Draft of an Instruction to be prepared accordingly and of a Report accompanying the same

. . . . . .

8 August 1735

Mr Vernezobre presented a Memorial desiring the Land to be granted to his Mj servants in South Carolina according to the Governors Instructions for encouraging new comers and settling Townships there may be granted in his name was read and he was acquainted that the prayer of his Memorial could not be complied with by reason the Gov rs 43rd Instruction directs that every new settler shall have a Town lot and 50 Acres of land for each person his Family consists of

. . . . . .

13 August 1735

The Representation ordered to be prepared the 7th Instant for repealing the two Carolina Acts about Courts of Judicature was agreed to

. . . . . .

14 August 1735

Letter from Mr Wright with a Copy of his Fathers Appointment to be

Ch Chief Justice of South Carolina was read and the Report agreed to yesterday for repealing the two Carolina Acts about Courts of Judicature was signed

. . . . . .

27th August 1733

Then were read the following 13 Letters from Col Johnson late Governor of South Carolina deceased Vizt (1) Letter from him dated 28th Sept 1732 (2) Letter dated 28th Sept 1732 to the Secy (3) Letter from Col Johnson dated 3d Nov 1732 (4) Letter from him dated 21 Nov 1732 (5) Letter from him dated 15 Dec 1732 (6) Letter from him dated 15 Dec 1732 (7) Letter from him dated 8 Jan 1732/3 (8) Letter from him dated 29 Jan 1732/3 (9) Letter from him dated 29 Jan 1732/3 (10) Letter from him dated 31 Jan 1732/3 (11) Letter from him dated 10 Feb 1732/3 (12) Letter from him dated 28 Mar 1733 (13) Letter from him dated 30 Mar 1733 and directions were given concerning them as noted in the Abstract Book

. . . . . .

28 August 1733

Eight Letters from Col Johnson late Govr of South Carolina were read Vizt (1) dated 2 April 1733 (2) dated 6 April 1733 (3) dated 3 May 1733 (4) dated 24 May 1733 (5) dated 7 Aug 1734 (6) Postscript dated 18th aug 1734 and two of those read yesterday were read over again

. . . . . .

3 September 1735

Mr Parry attending acquainted the Board that his Father writes word from South Carolina that the Assembly there were about determining to provide

provide only for Freemen (new comers) and not for their Servants the Board resolved to recommend ye providing for Servants also to the Lieut. Governor

. . . . . .

14th Sept. 1735

A letter from Mr Hood to the Secretary dated 3 Sept 1735 complaining of the duty on the Importation of Negroes in South Carolina being by an Act lately passed in that Government was read And their Lordships resolved to consider further of it when the Act arrives at this Office

. . . . . .

5th Sept. 1735

Mr Johnson attending desired a Certificate of the day Col. Johnson late Governor of So. Carolina dyed the same was ordered

. . . . . .

10th Septr 1735

Ordered that a Letter be wrote to Mr Broughton Lieut. Governor of South Carolina for a Draft of the Boundary Line between that Province and North Carolina signed by the Commissioners who laid it out

. . . . . .

12th Septr 1735

Letter to Col. Broughton Lieut. Govr of South Carolina upon what Mr Parry informed the Board the 3rd Instant relating to the Assembly of South Carolina providing for Freemen new comers and not for white servants was agreed to

. . . . . .

1st September 1735

Letter from Mr Hammerton Secretary of South Carolina to the Secretary of this Board dated Nov 12th 1732 with a Memorial complaining of the Assembly for taking ye Registers Office from him by the Quit Rent Act was read but the Board having already reported against the Quit Rent Law in which the Grievance is contained it did not appear necessary to proceed any farther at present on that subject

. . . . . .

10th Sept 1735

Letter from Mr Jury and Mr Yonge Agents for South Carolina and in another from Mr Martin Secretary to the Trustees for the Colony of Georgia setting forth what is wanting to secure those provinces were read but the parliament having provided for this service the Board declined intermeddling therewith

. . . . . .

14 October 1735

Two copies of Orders in Council dated 9 July 1735 upon the petitions of Col Horsey and Mr Rutherford for Land in South Carolina

. . . . . .

15 October 1735

The Attorney Gen^ls Report upon Heads of a Bill for securing the Quit Rents in South Carolina read 2 Jany 1734 together with remarks thereon by Mr Yonge and a letter from Mr Allen in behalf of the purchasers of Lord Carterets & Baronies in that Province were read and ordered that Mr

Allen

Allen attend thereon tomorrow morning

. . . . . .

16 October 1735

Mr Allens Letter read yesterday about Lord Carterets 8 Baronies was re again read and Mr Allen desiring to have another day appointed and to have further notice the Board agreed thereto

. . . . . .

21 October 1735

Mr Yonge Agent for South Carolina attending Their Lordships took into considera tion the state of the Quit Rents in that province they asked him what might the increase of the Quit Rents be if the present Act were repealed he said the increase would not be above £10 per annum the disputed Lands not amounting to above 60,000 Acres & to land under old patents having been taken up since the passing of the Quit Rent Law

. . . . . .

Ordered that the Draft of the Quit Rent Act for south Carolina and Mr Yonges remarks thereon be sent to the Attorney Genl And that he be desired to attend the Board on Friday next at one oclock

. . . . . .

29 October 1735

Mr Attorney Genl Mr Yonge and Mr Fury attending their Lordships took into consideration the Draft of an Act to be passed in South Carolina for better payment and securing His Majesty's Quit Rents in that Province and made a progress therein

. . . . . .

31 October 1735

Order of the Committee of Council referring to the Board Mr Morley the Provost Marshals petition for an allowance out of the Quit Rents for a charge he has been at in Building a provincial Seal and for a salary was read and he was ordered to attend next Tuesday

. . . . . .

6 November 1735

Mr Morley provost Marshall of South Carolina attending as he had been directed, the Order of the Committee referring his petition read at the last meeting was again read. He said that the late Govr and Council had often proposed to the Assembly to Build or Repair the Seal but they never would That he has been obliged to do it at a great expence That he is the first that ever gave security for the faithful discharge of his duty but the Provost Marshals before him always hired and repaired a house which they made a prison of and that the charge of the prison is about £30 ₱ Annum

. . . . . .

18 November 1735

Order of the Committee of Council of 27th Oct 1735 referring to the Board the petn of Mr Hodgson for 6 Baronies of Land in South Carolina granted him by the late Lords Proprietors and to be annexed to his Titles of Landgrave and Cassique was read. And Mr Hodgson attending thereon communicated to the Board a copy of his grant attested by a Notary Public and the Lord Mayor of London and Registred in the Registers Office of South Carolina. Ordered that the said Copy be reffered to the Attys and Solr Genl for their Opinion thereon in regard to its validity

Mr

Mr Morley provost Marshal of South Carolina attending he was acquainted with the substance of Capt. Burringtons Letter of the 11th inst giving an acc.t of the provost Marshals place in North Carolina. He said he desired a Salary only until a province Goal is built Ordered that Mr Yonge be summoned to attend thereon tomorrow morning

. . . . . .

19th November 1735

Mr Yonge Agent for South Carolina attending as directed yesterday he acquainted the Board that the Building a Goal had been often recommend to the assembly there but without Effect And that Mr Morley had given security for the faithful discharge of his duty of provost Marshal. but not to take effect till a prison is built ordered a report upon Mr Morleys petition proposing an Instruction to the Gov.r to move the Assembly to Erect a Goal at the public Charge

. . . . . .

26 Nov. 1735

Representation upon Mr Morley the provost Marshal of South Carolinas petition for a salary till a public prison is built ordered to be prepared the 19th inst was agreed to and signed Mr Attorney and Solicitor Generals Opinion upon Mr Hodgsons petition for Lands in South Carolina was read

. . . . . .

28 Nov.r 1735

Mr Attorney and Mr Solicitor Gen.ls opinion upon the patent for land granted by the late Lords proprietors of South Carolina to Mr Hodgson read the 26th Instant

Instant was again considered, and the Draft of a Report thereon agreable to the said Opinion that Mr Hodgson has no right to any Land there, was ordered to be prepared, which being immediately done was agreed to and signed

. . . . . .

2 December 1735

Ordered that the Appropriation Act passed in South Carolina in 1735 be sent to Mr Jane, for his opinion thereon in point of Law. The Draft of a Letter to Mr Fox Naval Officer in South Carolina in answer to several from him inclosing Lists of Ships Entered and Cleared in that Province was agreed to

. . . . . .

5 December 1735

Copy of the Order in Council of the 13th of octobr 1735 directing an Act passed in South Carolina in 1731 for Appropriating the sum of £104 775. 1s 3d/4 towards the payment of the Public Debts Ordering ye same to lye by Probationary was read Copy of an Order in Council dated 13 Oct 1735 Approving the Draft of an Additional Instruction for the Govr of South Carolina to get an Act passed relating to the coining of paper Money and appropriating thereof

. . . . . .

9 December 1735

A Remonstrance from Mr Broughton Ll Govr of South Carolina to the Board dated in Oct 1735 complaining of the ill conduct of Capt Mc Key Agent for Indian Affairs in Georgia for disturbing the Indian Trade of Carolina with several papers proving the same were read and the Board agreed to consider further thereof tomorrow

. . . . . .

10 December 1735

Order of the Committee of Council of 23 July 1735 referring to the Board the petition of Alexr Wragg and Deane for 6000 Acres of Land granted by the late Lords proprietors for erecting a Sawmill thereon was read. Ordered that Mr Shelton who brought this Order to the Office. do attend the Board thereon next Wednesday

. . . . . .

12 December 1735

Mr Garden Councillor and Mr Allen Solr desired in behalf of Mr Roberts who has Nine Baronies in South Carolina and is in possession of six of them to have a copy of the Draft of the Quit Rent Law prepared here but the Board did not think proper to grant it. They informed the Board that the Eight Baronys granted by the Late Lords propre to the Lord Carteret were granted to his Lordship in Dec 1718.

. . . . . .

16 December 1735

Order of the Committee of Council upon a petition of the Georgia Trustees against granting any Land to the South of the River Alatamaha was read, and the Board agreed to consider this after the Holidays as likewise the Order of the Committee upon the said Trustees desiring stores of War mentioned in the Minutes of the 17th Inst and read the 20th of Aug 1735 which Mr Hucks now desired might be considered

. . . . . .

17 December 1735

Order of the Committee of Council of July 23rd 1735 referring Mr Bragg's and Deane's Petition read the 10th instant was again read. And Mr Bragg desired the further consideration of it might be postponed. Their Lordships ordered that Mr John Sharpe might have notice when this Matter is further considered according to his own desire. And Mr Bragg assured the Board that he would endeavour to find out the true Heirs of Mr Lawson of whom they purchased the Land mentioned in their Petition and paid Money for it £120

The Earl of Egmont. Mr Vernon. Mr Laroche and Mr Hucks attending. some of the Trustees for the Colony of Georgia. communicated to the Board a Letter they designed to send to Col. Broughton Lieut Gov[r] of South Carolina relating to a complaint made by him about the ill behaviour of Capt Patrick Mc Kay. their Agent for Building a Fort amongst the Indians. As also a Letter to the said Capt Mc Kay discharging him (for his ill conduct) from their service and left copies thereof.

B P R O South Carolina B T Vol 7
E 52

At the Court at St James the 9th January 1734

Present

The Kings Most Excellent Majesty in Council

Whereas Richard Shelton late Secretary to the late Lords Proprietors of Carolina hath by petition to His Majesty at this Board humbly represented That the said late Lords Proprietors in consideration of his long and faithful services for the space of Twenty one years and upwards and also of a considerable sum of Money due to him for Salary and other contingent expenses did by their Warrant in the Year 1722 Grant unto him one Barony or Tract of Land containing twelve thousand acres & ordered that proper Grants should be past for the same to the petitioner his Heirs and assignes for ever reserving only the rent of one pepper Corn Yearly if demanded That not having hitherto taken up the said Lands on account of the unsettled state of the affairs of that province He therefore most humbly prayed His Majesty to give Directions that the said Grant should be confirmed to him upon the terms contained in the late Lords Propr^rs Warrant. His Majesty in Council having taken the opinion of a Committee of the Lords of His Majestys most honorable Privy Council and also of the Lords Comm^rs for Trade & Plantations thereupon is hereby pleased in regard to the good services of the petitioner to order that the Governor or Commander in Chief of His Majestys

Majestys province of South Carolina for the time being do pass a Grant to the petitioner His Heirs and Assigns for ever of Twelve thousand Acres of Land (either in One plot or in parcels as the petitioner shall desire) according to the Rules and Customs of the province reserving the Yearly Rent only of a pepper Corn if demanded. But in regard His Majesty has been pleased in his Forty third Instruction to Robert Johnson Esq the present Governor of the said province to require him to mark out and set apart Eleven Townships within that province and not to permit any person (except the Inhabitants of such Townships) to take up any Lands within Six Miles of each of the said Townships His Majesty doth therefore Order that in the Grant to be made to the petitioner a Clause be inserted. to restrain him from taking up the whole or any part of the said twelve thousand Acres within Six Miles round any of the said Townships which no are or shall hereafter be erected pursuant to His Majestys said Instruction

A true Copy
W. Sharpe

Rec^{d} 31 May
Read 12 June } 1735

B.P.R.O South Carolina B.T. vol 4

E 46 At the Council Chamber Whitehall the 15th January 1734 [5]

By the Right Honerable the Lords of the Committee of Council for plant.s affairs

His Majesty having been pleased by his order in Council of the 9th of this Instant to refer unto this Committee the humble petition of Robert Wright Esq Chief Justice of the province of South Carolina setting forth that An Act was past by the Gen.l Assembly of that province on the 9th of April last Entituled "An Act for the better regulating the Courts of Justice" in this province and for altering the time of holding Courts of Justice which Act contains as the petitioner conceives many Clauses expressly contrary to His Majestys Royal Instructions Manifest Infringements of the prerogative Repugnant to the Laws of Great Britain and generally prejudicial to private property and the public Administration of Justice as well as Injurious to the petitioner in the Commission he enjoys of Chief Justice wherefore he humbly Prays the said Act before His Majesty together with a protest entered by the petitioner and several other papers relating thereto and humbly prays His Majesty to take the same into His Royal Consideration and to give such Instructions therein for the future conduct of the petitioner in the execution of his office and such other relief in the premises as His Majesty shall think fit. The Lords of the Committe this day took the same into their consideration and thought proper to order that the said petition and protest together with the several papers thereto annexed be and they are hereby referred to the Right Honerable the Lords Comm.rs for Trade and Plantations to examine into the same and Report their opinion thereupon to this Committe

W. Carey

(Inclosure)

(Inclosure) To the Kings Most Excellent Majesty in Council

The humble Representation and petition of Robert Wright Esqre Chief Justice of the province of South Carolina

Sheweth That by a petition to your Majesty dated the 7th day of Decr last Your petitioner humbly represented Sundry matters as High Encroachments on the prerogative and tending to render Ineffectual your Majestys Commission to the Chief Justice of the said province

That since the ratification of the act complained of in the said petition the General Assembly of the said province has passed another Act on the 9th of April last Entitled An Act for the better regulating the Courts of Justice in this province and for altering the time of holding Courts which as Your petitioner humbly conceives contains many clauses which have no proper relation to each other are foreign to what the Title of the Act Imports and perpetual tho' parts of a temporary Law. expressly contrary to your Majestys Royal Instructions manifest infringement of the prerogative. Repugnant to the Laws of Britain and generally prejudicial to private property and the public Administration of Justice as well as injurious to your Petitioner in the Commission which your Majesty has been graciously pleased to honor him with

That before the Ratification of the said Act your petitioner as one of your Majestys Council in the said province often presented these matters to His Excellency the present Governor in Council and endeavored to dissuade him from assenting to the same at least without a saving Clause until Your Ma^ty pleasure should be known therein

That your Majestys Attorney Genl of the said province on a Reference of the

said

Act to him made by order of the Governor and Council reported against sundry clauses thereof as diminutions of Your Majestys Royal Authority and contrary to Law and in particular against the Clause which excuses Justices of the Peace and Constables from attending the General Sessions

That your Petitioner not being able by these means or otherwise to prevent the ratifying of the said Act in the Manner it now stands Entred his protest at large against it on the Journals of your Majestys Council in the s[d] province and as Chief Justice as well as one of your Majestys Council humbly conceives it to be his duty faithfully to represent matters of such extraordinary consequence and to transmit to your Majesty the said Act together with his protest. Copies of the Judges Commissions and other papers concerning the same duly exemplified under the Great Seal of Your Majs[ty]s province and most humbly beseeches Your Majesty to take the same into Your Royal Consideration and to give such Instructions therein for the future conduct of your Petitioner in the Execution of his Office and such as further and other relief in the premises as Your Majesty in Your great Wisdom and Goodness shall think fit

And Your Petitioner as in duty Bound shall ever pray

August 12[th] 1734 Rob[t] Wright Chief Justice

Rec[d] 31 Jan[y] } 1735
Read 12 Feb }

B P R O South Carolina B 2 vol 1
E 53

At the Court at St James's 12th February 1734/5
Present
The Kings most Excellent Majesty in Council

Upon reading at the Board a Report from the Right Honorable the Lords of the Committee of Council dated the 15th day of January last humbly offering to His Majesty for His Royal Approbation a Draught of an Additional Instruction prepared by the Lords Commissioners for Trade and Plantations for Robert Johnson Esq His Majestys Capt Genl and Commander in Chief of the Province of South Carolina containing several matters relating to the Township of Purrysburgh the settlement of Foreign protestants there and the additional Grant of forty eight thousand Acres of land to Colonel Purry His Majesty this day took the said Report and Draught of Additional Instructions into his Royal Consideration and was pleased with the Advice of his privy Council to approve of the said Draught of Additional Instructions which is hereunto annexed and to order as it is hereby Ordered that His Grace the Duke of Newcastle one of His Majeshys principal Secretarys of State do cause the same to be prepared for His Majeshys Royal Signature

A true Copy
W. Sharpe

Recd 31 May
Read 12 June
1735

B P R O South Carolina B 2 vol.ᵗ
E ᵗ/o

London 18 February 1734

To Hugd Popple Esq.

Sir

By the favor and permission of the Lords of Trade and Plantations I have perused the heads proposed by His Maᵗʸ Attorney & Solicitor Genᵉˡ for an Act to be passed in South Carolina in lieu of the present Quit Rent Law and have taken the liberty of Inclosing you herewith my remarks thereon, being such as I imagine the Assembly there will object to passing in a Law, not that I pretend to conclude them as having no Orders from them more than to support the Quit Rent Law as it now stands. They may therefore make not only the objections I have, but more when it comes before them for aught I know

I presume there have not been found any Inconveniencies in the present Law, as to the putting it in practice since it had its force, but that a rent roll is perfected and His Majestys Rents have been paid in proclamation Money. If so, the end of the Law is answered and the people satisfied and quiet in their minds and possessions. May it not be more eligible therefore to continue the Law as it is and bear with some few Inconveniencies (if any there be) than to risk the repealing it, and thereby exasperate the people in such a manner, that they will not be prevailed on to pass it such a one as is required or perhaps any others but insist upon Archdales Law. Defend their Titles the best they can and pay the Crown a fifth part only of the Quit Rents they

have

have now obliged themselves to do. for as to the arrears graciously remitted them by His Majesty it must be considered that two years Rent paid since the passing at five shillings for one makes makes up Eight years deficiency. besides that all who have paid have Receipts in full for all Rents and arrears of Rents to the time last paid to. these are my thoughts which I profess I send you to lay before their Lordships with the same ardency for His Majestys Service as for the Ease and Tranquility of the people who employed me on this Errand

It must be owned there are some few things in the Law which the Governor and His Majestys Council did their utmost to have left out but thought the Law as it is of too much consequence to lose for them such as the restraints on the Kings Officers and some few others but they were most strenously opposed by Mr. Hume who I can aver was the great stickler for all those clauses in favor of the people now by him found fault with when nothing was heard from him either within or without doors but the Tyranny too often practiced by the Officers of the Crown in America that now was the opportunity to secure the peoples Titles to their Lands and Estates declared to be all invalid by His Majestys Attorney and Solicitor and Mr. Kane and that the same had been done on several occasions in England to prove which he quoted and produced many Acts of parliament for which he had the thanks of the House in a formal manner as may appear by the Journals but he had it not then in his thoughts how great profit he might make by rendering or rather continuing the peoples Titles doubtful not only

as

as a Lawyer by setting them at variance with the Crown and with one another but by seizing his Lands to his own use even while under the sanction of a Law yet in being and which he is now using his utmost endeavours (for those reasons) to get destroyed but he was soon convinced by that great genius Mr Whitaker who brought him and four others to a way of thinking calculated much more for their own advantage or His Majestys Service alone would scarcely have prevailed on them to undergo so long troublesome & expensive a voyage purely to point out some few Inconveniencies in the Law but which indeed were only such as stood in their way. a Zeal seldom found in any much less Attorneys at Law who it is well known generally expect to be well paid for what they do but I shall not trouble you or their Lordships any further on this head which has already given so much trouble only beg you will lay before them the remarks that have occurred to me with relation to the Law proposed and you will oblige Sir

Your very obedient humble Servant

Fra: Yonge

(Inclosure) Observations and Remarks on heads of a Bill for providing His Majesty a Rent Roll. for securing His Majtys Quit Rents for the Remission of Arrears and for the better strengthning & cultivating His Majestys province of South Carolina

Upon comparing the said heads of a Law with that already passed in South Carolina the most material difference appears to be

1st Obliging those who have already recorded Memorials of their Title deeds Grants

Grants or patents to record them again in Words at length
2d Obliging such as have lost their Original Grants to pay a Quit Rent of 4s proclamation Money ℔ 100 Acres and to be subject to such Rules & Restrictions as His Majesty has directed by His Instructions to his Governor in Lieu of paying one shilling ℔ 100 Acres
3d The confirming only such lands as were surveyed before the 25th July 1729 whereas the present Law confirms all Grants or patents if the Lands or part of them were surveyed in two years after the arrival of a Surveyor General
4th Whereas the present Law lays some restraints on the Kings Officers with regard to their distraining for Rents this proposes to remove those restraints and leave the Laws and Statutes of England the Rule
5th The present Law confirms all Grants or patents made by the palatine and three others of the late Lords proprietors or by any five of them without the palatine according to Archdales Law this proposes to confirm all Grants and patents made by five of the proprietors before the 25th of July 1729
6th The present Law leaves all claims to Land or disputed Titles to His Majestys Governor and Council for the time being to be adjudged and determined by them. the latter proposes a Court of Exchequer to adjudge these matters
7th Provision is made in the present Law for granting Lands to such as had Warrants from the late Lords proprietors and in consequence thereof had actually surveyed and purchased Lands but could not obtain Grants because the Lords propts ordered no more to be given in the year 1719 nothing in favor of such is mentioned in the proposed Law

8th

8th By the present Law all arrears of Quit Rents are remitted to the 25th Mar 1731 the proposed Law remits them only to 25 July 1729

Lastly. The present Law has some clauses relating to conveying lands without bringing ones relating to Fines Covert &c also directing the Duty and place of Office of the Deputy Auditor and relating to a Public Register not anything of which are taken notice of in the Law proposed

1st As to the first the Law in being directs a Memorial of all Grants Patents or Title Deeds to be registered but at the same time orders the producing all original Grants and patents to be compared with the Memorial which was to be done in 18 months from the 20th of Augt 1731 and has been complied with insomuch that a Rent Roll is already formed and His Majestys Rent paid in proclamation Money according to the intent and meaning of the Act will it not therefore be a hardship on the people again to carry their patents and Grants to the Auditor and pay him anew for recording them in words at length after they have already paid him for recording their Memorials and they have been examined with the originals. In the Law proposed there is not any exception of Town Lots which was thought reasonable in the present Law for the following reasons. First for that the whole of Charles Town, at present the Chief in the province consists of no more than about 150 Acres and would therefore pay the Crown but 18£ a year and that to be collected from 500 or 600 Families which cannot answer the trouble and expence. Secondly it would oblige every one to expose his Title Deeds and Mesne Conveyances by which they claim and hold their respective Lots which probably may (thro the ignorance of the times when they or their Ancestors

Ancestors became possessed of them) be very irregular and imperfect not in legal Forms or terms and may therefore embroil and entangle the people in unnecessary disputes and Lawsuits. The same may be said of Beaufort and Hillsboun which are the only three places this exception relates to there not being any other Townships laid out when the Law was past

2d The proviso to this Clause seems very hard by that where original Grants to the Lords Propts are lost and due proof made upon Oath that they had such grants tc they shall be obliged to pay a Quit Rent of 4s proclamation Money ℔ 100 Acres unless within Months after passing the Law they can prove before a Court of Exchequer they have usually paid for ten years past a lesser Rent The Law in being provides they shall pay but one shilg I presume the alteration proceeds from a misrepresentation of the Deputy Auditor who has suggested in his complaint against the Quit Rent Law that there are great Quantitys of Land granted in Carolina with a reservation of a penny ℔ acre or 8s/4d ℔ 100 and that therefore those who hold lands on those terms will on purpose destroy such Grants to obtain new ones at 12d ℔ 100 but this like many others of these objections are not true in fact Before the Government of Alt Archdale which was in the year 1695 all grants from the Lords Propts reserved a penny ℔ acre which the Grantees found they were not able to pay on paying therefore a Fine of 40s ℔ 100 acres the Grants were renewed with a reservation of only 12d ℔ 100 which Fine (as is currently reported in Carolina) amounted to 6000 or £10000 Sterl therefore most of them must have been renewed in his life time but such as were not have been so by subsequent Governors

and

and all Lands granted since (now 40 years) have reserved only 12d ℔ 100 Acres so that I cant believe there are 3000 Acres in all Carolina at 1d ℔ acre would it therefore be reasonable or just to oblige every one who has been so unfortunate as to lose his Grants to pay four times the Rent he did formerly or ought of right to do. but this he is to do unless he can show that for ten years past he has paid a less Rent. whereas it is well known that for some years past before His Majestys purchase very few or no Rents were paid therefore if the oath of the partys and their proof of possession for Seven years past (as the present Laws direct) be not suffecient the proof should be in General to the satisfaction of a Court of Exchequer To the same purpose are the 4th 5th & 6th Clauses which provide for the supplying the loss of deeds for Lands which are subjected also to pay 1d ℔ 100 Acres and to such other Rules and restrictions as Lands now granted are subject to by His in Majestys Instructions to His Governor which for the same reasons as the former seem very severe and as it can concern but very few will but little augment the Revenue at the same time it will be very disagreable to the people It is presumed that the sole intent of this Law is to inform His Majestys Officers of the Quantitys of lands and the tenures on which they are held in Carolina that they may be enabled to recover the reserved Rents annually To this end they have obliged themselves to Record their Grants patents and Title Deeds where they can be had but where by misfortune they are lost or destroyed the partys on oath or other suffecient proof are to satisfy a Court of Chancery that they were legally possessed of such Lands And in this case the most probable Rent where it cant

be

be proved what the Rent was is the most Equitable. But that (by what I have said before) plainly appears to be but 12d ℔ 100 Acres Now the discovery of this want of Title is owing to the obligation they voluntarily lay themselves under of Recording their Grants surely then it will not be insisted on that they shall be sufferers for laying themselves under an Obligation purely calculated for the advantage of the Crown.

To the 7th Clause there is no objection and as to the 8th it was to be wished that the people would agree to settle a sufficient number of white people not only to cultivate the Lands but to counter balance the great number of Negros they have but as reasonable as it seems they have found so much difficulty in procuring White servants and so much trouble with them when they have them that they seem inclined to provide for new comers any other way than as Servants which those must be they can oblige to settle on their lands I therefore conclude they will expect to hold their lands on the tenures and conditions they were granted them

The 9th is already answered in 4 5 & 6 as to the 10th that all Quit Rents due to His Majesty or y lords propts before the 25th July 1729 be remitted. the present Law agreed to remit those arrears to the 25 Mar. 1731 and probably many have paid the Quit Rents from that time as they became due and have receipts in full therefore a retrospection may be difficult if not impracticable and the difference being the rent of the 130000 acres at 12d ℔ 100 for a year and a half is no more than £843 Sterl which is sufficiently recompenced by the Obligation they lay themselves under of paying the rents for the future in proclam. Money

//

11. 12. 13. 14. 15. 16. 17. To these there is no objection. 18. I apprehend many Grants have been made by the Lords Propr^s where only the Palatine and three others have signed and perhaps Sec^y and other their Agents have been constituted and impowered to Grant Lands by no Greater a number therefore this Clause may require a proper amendment in that Particular. I believe (four) instead of the word (five) Propr^s may do. The provision that no Grants or patents shall be confirmed or made valid by this Law where the Lands are not Particularly described would render void all the Grants made by the late Lords Propr^s in England if they were not made good by a survey for the said Propr^s neither did nor could describe Particularly any of them I believe the people will be contented with this proviso if it be extended to Lands surveyed and in possession on or before the 31st Dec. 1730 which was the time His Maj^ty present Sec^y Mr. Johnson arrived in that province. 19. proposes establishing a Court of Exchq^r with power to try Issues and Facts in all claims & to hear and determine all disputes that may arise concerning the same & indeed it will be necessary that such a Court be established by an Act of the Genl Assembly which must empower them to Empanel Jurys & oblige such as are so to serve for without a law the people will not serve as Jurors as has been already found by experience. But a question will arise how the Barons and other Officers of that Court will be paid for that I presume the people will not provide for but as that Court will be erected for His Maj^ty use & service only they will believe it reasonable that the Officers be paid out of his Maj^ty own particular Revenue. 20 & 21 no objection. Thus having gone thrô the proposed heads of a Law I shall only take notice that His Maj^ty Sec^y & Council are very well knowing that many people in that province had purchased their Lds & caused Lands to be surveyd in pursuance of them and had actually paid for the purchase to the Lords Propr^s Treasurer for which they had receipts but were prevented from having Lands

for

for such Lands occasioned by the s[d] Lords ordering no more Grants to be made in the year 1719 they thought it equitable & just that such persons should have the designed Grants for such Lands from His Ma[ty] at the ancient Quit Rents and were therefore easily induced to agree to a Clause in the Quit Rent Law to that purpose for this there is no sort of provision in the proposed Law many have also been found to have more land & some less than is mentioned in their plots occasioned by the Ignorance or carelessness of the Survey[rs]. The former of these seem intituled to a Grant for the overplus prior to any other person as the latter does to have the deficiencey made up. There are also in the present law several other Clauses confirming and making good former Conveyances of lands altho wanting the necessary or proper forms as levying fines, livery and Seisin [&c] also binding Femes Covert who had relinquished their Dower [&c] which it was judged the exposing and Recording Title Deeds might make discovery of and so create Law suits. This seems reasonable to provide against but is quite omitted in the heads proposed.

As to the settling the Office and duty of the Deputy Auditor and of the public Register as those things do not so immediately and properly relate to the Chief design of the Law in dispute they may be provided for by a Circular law for that purpose.

On the whole I should presume it best for His Ma[ts] Service to add to the act proposed a Clause for repealing y[e] present Law: so that the said Law may not be deprived of its force and power until a new one is enacted to supply the place and design of it.

All which is humbly submitted to your Lordships consideration by

My Lords

Your Lord[ps] most obed[t] and humble Servant

Jras: Yonge.

Rec[d] 18 Feb
Read 20 Aug } 1735

B. P. R. O. South Carolina B T Vol 7

E 68

Charles Town So Carolina 19 Feb 1734

To Hured popple Esq.

Sir

I am commanded by His Excellency the Governor to acquaint you, that the New General Assembly are sitting and proceeding on business, but nothing having been done this first Session worthy the notice of the Lords of Trade His Excellency does not write to them by this conveyance

I send you by Capt. Watkinson Master of the ship King William, all the Laws assented to in the last Assembly, which have not been already sent together with the Journals of the Upper and Lower House of Assembly and the Minutes of Council which his Excellency desires you will lay before the Lords of Trade. I am Sir

Your most obedient and most humble Servant

I Badenhop

Rec^d 19 June 1734
Read 20 Augt 1735

B P R O South Carolina B 2 Vol 7

E 99

7th March 1735

My Lords

In pursuance of your Lordships letter to the Trustees for establishing the Colony of Georgia in America the 6th inst desiring their opinion in what manner the security of the province of South Carolina may be best effected The Trustees command me to acquaint Your Lordships that they have perused the Representation to His Majesty from the Assembly of that province of the state and condition of the said province which by Your Lordships order was inclosed to them and are of opinion that the only method for the security thereof is the settling Colonies from the Sea along the Alatamaha and Ocony Rivers and from thence under the Apalatian Mountains to the Ogeeche and Savannah Rivers at proper distances from each other and opening Roads and settling communication both by Land and Water which will not only secure South Carolina on that side but likewise cover many Millions of Acres and give encouragement to numbers of People to settle on the same by which there will be an Increasing strength for defence of the said Countrys and they beg leave further to observe to your Lordships that such a chain of Settlements will require at least Eight hundred White men with their Families and this with the settlements already made and improving in Georgia they think will be the most effectual means of securing and preserving Carolina on that side from whence they apprehend most danger in case of a War But for what may be necessary for securing

the

the said province on the Northern Frontier and the Sea Coast the Trustees submit that to your Lordships Iam

My Lords

Your Lordships most obed.t humble Servant

Benj: Martyn

Rec.d Mar 11
Read Sept 19 } 1735

B. P. R. O. South Carolina B. T. vol 7
E. 100

8 March 1735

To the Right Honble The Lords for Trade &c

May it please your Lordships

Your Lordships having been pleased upon considering the Memorial and Representation of the Governor and Council and Assembly of South Carolina to command us to lay before your Lord^ps what occurred to us as proper to be done the better to strengthen and enable that Colony to defend and protect themselves in case of a rupture with the Crowns of France or Spain We take leave humbly to Represent to your Lordships That the said province of South Carolina being bounded to the Northward and North West by His Majesty's provinces and dominions of North Carolina, Virginia and Maryland &c. have nothing to fear from that side but the South and South West parts being settled by the Spaniards and French Virg^a by the first at the port of S^t. Augustine, where though they have but a small number of Men usually and constantly (perhaps not exceeding four hundred) yet it being a Sea port and near the Havannah, it may be easy to land such a force as may endanger not only the new Colony of Georgia but even all Carolina. The French have also several formidable settlements not only on the Missisippi but on several of the Rivers within the Main Land as is fully set forth in the aforesaid Memorial from the province to which we take leave to refer and further to represent to your Lordships that if the Colony of Georgia now become a Frontier to Carolina could be enabled to secure themselves (even with the assistance that may be afforded them by Carolina) a very great stop may be put to the Designs or Efforts of the beforesaid powers, who seem to be preparing

preparing. especially the French for such an Invasion having on the Mississipi and their other Settlements. not less than five thousand regular Forces and five hundred horse which they call 'Couriers du Bois' or Wood Rangers with good Officers besides vast Bodies of Indians which may with ease fall into Carolina by Land. To oppose whom (if the whole Militia could be raised) they would not amount to three Thousand fighting men who must be taken from their Plantations or occupations as Tradesmen and Handicrafts the consequence of which must be though their success should be ever so happy. very ruinous to the province for their being under Arms one year would be the loss of a Crop which may be estimated at sixty thousand Barrels of Rice which sold at a foreign Market are worth at least Seventy thousand pounds Sterl besides pitch Tarr and Turpentine &c. They could not load any Ships or pay any debts due to the British Merchants they would have all their Stocks of cattle of which they have many thousands in the Woods destroyed. which would serve in this case to subsist the Enemy in their March to Charles Town where there is not so much as a palisade Ditch or Wall to resist them. But the strongest Temptation is still to be mentioned which is a Booty of Twenty four thousand Negroes who would in all probability on a promise of their Freedom join them and help to destroy their Masters which Negroes being valued at but Twenty pounds Sterl a Head is five hundred thousand pounds so that the gain of such an Expedition if they only plundered the Province would amount to near a Million Sterling but if they could become Masters of the Province it would be hard to say of what ill consequence it might be to the Northern plantations of America who must all mediately or immediately feel the ill consequence of it.

This

This may serve to show your Lordships the necessity of taking the utmost care to secure the most Southern and Frontier settlements which lead us to propose to your Lordships

1st That the new Colony of Georgia should by all manner of ways and means possible be strengthened encouraged and enabled (as we are informed they propose to do) to build and erect Forts in proper places from the Apalachian Mountains to the Sea, on the Rivers Alatamaha and Ocone and from thence to the Ogeeche and Savannah Rivers at proper distances with Roads of communication &c which if effected will secure South Carolina and all the Northern plantations to the Landward especially as the province of Carolina has had the good fortune to make a Settlement of some hundred Swiss Protestants on the North side of the River Savannah where there is now some hundreds and if not disturbed may in time be very formidable and create a great access of power to the province. But as the charge of bringing over subsisting and settling the said Swiss have been mostly born by the province, who have expended more than the whole duty on the Import of Negroes and other Merchandize amounts to which has rendered it impossible for them to put the Fortifications of Charles Town in a proper situation to resist a formidable Enemy, much less to fortify and put in a proper posture of Defence the Harbor of Port Royal much the best harbor in that part of America It is humbly hoped that His Majesty will be graciously pleased enable the province to fortify that Harbor and to erect Buoys and Beacons in such a manner as to render it useful to His Majestys shipping & safe for the reception of his Stores That His Majesty will be further

pleased

pleased to give directions for repairing the Fortifications of Charles Town, and to order such Stores and Military Instruments for the defence thereof and to facilitate the mounting the Ordnance already sent there and arming the Militia of the Country if occasion should require A very great sum of Money has been already laid out by the Assembly for that service, but much more will be wanting and cannot be raised without His Majestys assistance. In order therefore to perfect this necessary work we submit to your Lordships whether a proper officer should not be sent over to inspect and direct the doing thereof, and such other works as the Government of the province may find necessary to be done for the security of the aforesaid place We are with the greatest respect My Lords

Your Lord^ps most humble and most obedient Servants

Fra: Yonge Perc^l Fenye

Rec^d 11 Mar
Read 19 Sept^r } 1735

B P R O South Carolina 33 vol 7
E 48

Resolution of the House of Commons dated 11 March 1735

Resolved that an humble Address be presented to his Majesty that he will be graciously pleased to give directions that a Copy of the Memorial and Representation of the State and Condition of His Majestys province of South Carolina in America from the Governor Council and Assembly of the said province dated April 9th 1734 be laid before this House

Ordered that the said Address be presented to His Majesty by such Members of this House as are of His Majestys most Honorable privy Council

. Y Hardinge
Cl Dom Com

Rec^d
Read } 12 March 1735

B.P.R.O. A & W.I. Vol 621

(20 Mar. 1734 5)

Copy of the 11th Article of the Presentment of the Grand Jury for the Body of the Province of South Carolina at the General Sessions of the Peace Oyer and Terminer Assize and General Goal Delivery begun and holden at Charles Town on Wednesday the 20th day of March 1734 before The Honourable Robert Wright Esqr Chief Justice &c

We present as a very great Grievance and an intolerable hardship on the Severall inhabitants of Charles Town, that Negroes are suffered to buy and sell, and be Hucksters of Corn, Pease, Fowls &c a whereby they watch Night and Day on the Severall Wharfs, and buy up many Articles necessary for the Support of the Inhabitants and make them pay an exhorbitant price for the same and we do present all Hucksters, Forestallers and Regrators, and also the want of proper Officers to put the Laws in Execution for preventing the same, which might, as we conceive, all be remedied, if a Clerk of the Market were appointed and proper Regulations made for that purpose, with a strickt inspection into Weights and Measures, in which there is great Corruption & fraud throughout the whole Province

B P R O South Carolina 32 vol 4
E 49

At the Council Chamber Whitehall the 1st May 1735
By the Lords of the Committee of Council for Plantation Affairs

His Majesty having been pleased by his Order in Council of the 3rd of last Month to refer unto this Committee the humble petition of Robert Wright His Majeshs Chief Justice of the Province of South Carolina setting forth amongst other things that he hath been upwards of three years without receiving any Salary notwithstanding His Majeshs pleasure had been properly signified to the Assembly of that province that a convenient salary should be appointed for him and therefore humbly praying that His Majesty would be graciously pleased to give such directions for the future payment of his Salary and of the arrears already due as to His Majesty in his great Wisdom should seem meet The Lords of the Committee this day took the same into their consideration and are hereby pleased to refer the said petition (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to this Committee

W Carey

(Inclosure)

(Inclosure) To the Kings most Excellent Majesty in Council

The Humble petition of Robert Wright Your Majestys Chief Justice of the province of South Carolina

Sheweth That by your Majestys Sign Manual dated the 30th. of Novr 1730 Your Majesty was graciously pleased to authorize Robert Johnson Esq. Governor of the said province to constitute your petitioner Your Majtys Chief Justice of the said province during Your Majestys Royal Will and pleasure and in obedience to such Your Royal Commands Your petit! was accordingly appointed Chief Justice of the said province and hath ever since duly and regularly held the several Courts of Judicature & hath always discharged his duty with the utmost diligence & impartiality

That several Bills have been lately prepared by the Lower House of Assembly of the said province and passed into Laws which your petit! humbly apprehended were in Derogation of Your Majestys prerogative and Repugnant to the Laws of Great Britain and therefore Your petit! as one of Your Majestys Counsel there (as in duty bound) used his utmost Endeavours to have the said Bills either Rejected or amended and not prevailing therein he entered his protest against the same in the Journals of the said House Your petitioner apprehending they not only tended to a diminution of Your Majestys prerogative but also were very injurious to Your Majestys Subjects of the said province for which Your petitioner incurred the displeasure of the Lower House of Assembly

That though it was properly signified to the said House of

Assembly

Assembly that it was your Majestys pleasure that a convenient Salary should be appointed for your petitioner as usually done to other Chief Justices in Your Majestys American Colonys (which was allowed to your petitioner predecessors by the late Lords proprietors for the Execution of that Office when the expence was far short of what it is now) Yet the said Assembly have been so far from having regard to such Your Majtys Royal Instructions that Your Petr hath been upwards of three years without any of allowance to enable him to bear the expence that necessarily attended him to support the honor and dignity thereof And therefore Your petitioner hath been obliged to bear the same out of his own private fortune which are considerably lessened thereby Your petitioner having applied his whole time in Your Majestys service in the province

Therefore your petitioner most humbly prays your Majesty will be graciously pleased to take the premises into Your Royal consideration and give such directions as well for the future payment of Your Petrs Salary as of the Arrears already due as to Your Majesty in Your great Wisdom and Goodness shall seem meet

And Your Petr as in duty bound shall ever pray

Robt Wright

Recd 21 May
Read 4 June } 1735

B.P.R.O South Carolina B 3 Vol.ᵐ/
E 55

R.ᵗ Honᵇˡᵉ The Lords for Trade Charles Town 6.ᵗʰ May 1735

My Lords

Governor Johnson dyed last Saturday upon which I caused my Commission as Lieut Governor to be proclaimed in the usual manner and shall use my best and utmost endeavors to discharge ye duties of that trust for the service of His Majesty and the prosperity of this Province which we are persuaded by the many Instances of his Goodness to us he has very much at heart. I am with great respect My Lords

Your Lordships most obedient
and most humble Servant
Thos Broughton

Rec.ᵈ
Read } 21ˢᵗ June 1735

B. P. R. O. A. & W. I. Vol 19 p. 65

Charles Town 7th 6br May 1735

My Lord,

Governor Johnson dyed last Saturday, upon which I caused my Commission as Lieutenant Governor to be proclaimed in the usual manner, and shall use my best and utmost Endeavours to discharge the Duty of that Trust, for the Service of His Majesty and the Prosperity of this Province, which we are persuaded by all the Instances of His Goodness to us, he has very much at heart.

I am with the greatest respect

My Lord

Your Graces

most humble and most

Obedient Servant

Tho Broughton

His Grace The Duke of Newcastle

B.P.R.O. A & W.I. Vol. 19 p. 66

(8 May 1735)

May it please Your Grace

As it is my Duty so I take this first opertunity to acquaint your Grace that Our Governor Mr Johnson died last Saturday the Third instant Mr Broughton who His Majesty was pleased to Commission as Lieutenant Governor and President of the Council, is Sworn into the administration of the Government. The Genll Assembly are sitting and Passing a Law, for a new Duty on Negroes for the Support and maintenance of the Poor Protestants that come to settle in Purrisburg. The mony arrising by the Propriation Law, being not sufficient for their Support. The Lords of the Treasury having been pleased to give me leave to go to England (as his Majestys Receiver Genll) I hope I shall have the Honour to kiss your Graces hand, Being with the Greatest Regard and Reference,

Your Graces

Most Devoted

and most obedt Humble Servt

John Hammerton

South Carolina

Charles Town 8th May 1735

B P R O South Carolina B 2 Vol 9

E 50

8 May 1735

To the R! Hon the Lords Comm^rs for Trade & Plan^tns

May it please Your Lordships

I beg leave to lay before your Lord^ps an Extract of a Letter I have lately received from Robert Johnson Esq Govr of South Carolina dated the 11th of March last relating to the Boundarys to be settled between that province & North Carolina. And humbly pray your Lordships will be pleased with the first convenient opportunity to give some directions upon the matter therein contained. I am with great respect

Your Lord^ps most humble & most obed^t Servant

Alex^r Durye

(Inclosure) Extract of a Letter from His Excellency Robert Johnson Esq Governor of His Majestys province of South Carolina dated 14th of March 1734/5 to Peregrine Dury Esq agent to the said province

Our Assembly will within a few days send Comm^rs to join those of North Carolina to run out the Virginia Line the we apprehend with little success. The Governor of that province by his Letter to me putting a very different construction to what we imagine is the real intent of his Majestys Instruction on that Subject for he conceives that if any part of Waccamaw River lyes within Thirty miles of any or part of Cape Fear River. Waccamaw River shall be the Boundarys

whereas

whereas we think it is plain that the intention and true meaning of the Instruction is that if Thuccamaw River happen at the Mouth to be within Thirty miles of Cape Fear River then it shall be the Boundary not otherwise I am very positive that was the Lords of Trades Opinion when I was with them in England. but whether they have altered it since I have no Authority to believe having received no new Instruction on that head I beg you will take a proper opportunity to solicit their Lordships for such a further explanation as they may think necessary in order the Limits may be run out and settled as soon as possible according to His Majestys Intentions

Rec^d 8 May
Read 6 June } 1735

B.P.R.O South Carolina B.T. vol 7

E 57

Charles Town 8 May 1735

Hon^d Sir

Your Honor having been the chief means of introducing the intent of my undertaking in this province to the Lords of Trade in such friendly manner makes me hope you will please pardon the freedom in giving some account of my proceedings therein which have not been so successful as could wish chiefly owing to neglect of the Captn and contrary winds. Detained in the Channel till the 28th of March so that did not arrive here till the 15th of May which was too late for Sowing the Seed that Season. and Hemp seed is of that nature as not to grow if kept out of the Ground one year

This disappointment hath given great discouragement to the Gentlemen as likewise occasioned no small dissatisfaction to me. being had flattered myself of bringing that undertaking to such perfection as might be of service both to this province and Great Britain

The Assembly omitted making any provision for me in their last Estimate and during this Sessions the Governor hath had near Nine Months sickness which occasioned frequent Adjournments. So that my affairs was not determined till last month when I was ordered payment for first cost and charges of the Seed and 40 pounds to be paid out of next Tax in full for my Expences &c being near twelve months on that Expedition besides former attendances was not less than £120 Sterling which gives me reason to repent turning projector tho' am convinced from several small parcels of Hemp sowed here last year in Season that great part of this province is proper for Raising Hemp. But the Planters are so much attached to following Rice being a

Commodity

commodity most contracted for paying the Merchants and Factors for Negroes Vr And most of the Inhabitants are so much in Debt that they are fearful of entering upon new projects till they are further convinced of the difference between Hemp and Rice. for which Reason have lately been at the Township of Williamsburgh Vr where several familys of English Scotch and Irish are lately settled and as have lately found the Land good and have offered my advice and assistance they are resolved to follow sowing Hemp But as yet am in some doubt how shall be furnished with Seed having only one hazard put in practice which is by the way of Boston and that from the produce of what Hemp Seed I brought from London being sent there to be sold or made into Oyle to which have no answer as yet

Iam now apprehensive of meeting with Greater difficulties than expected in carrying on this Undertaking. being my only pillar His Excellency Govr Johnson departed this life the third Instant and as your Honor hath had a personal acquaintance of that worthy Gentleman the late Governor it would be needless for me in giving his Character

In November last His Excellency commanded me to give my opinion in writing what advantage I judged might accrue to Great Britain in general by having Quantities of Hemp raised in this province which was a task too copious for my capacity but had his Excellency been pleased to let me know it was to be transmitted to the Lords of Trade and plantations I should have desired more time and used my Endeavours to put it in a more accurate and intelligible manner

The Council and Assembly have desired me to write a Book with directions for sowing and managing Hemp and Flax in this Province

which

is to be printed at the public charge

The Commissioners apointed to make out the Boundary between this Province and North Carolina, are met at Cape Fear, have not heard how that matter will be determined, tho am informed that the Northern Gentlemen claim farther Southward than was expected and it is believed will carry their point Sam.

Honored Sir

Your honors most dutiful & obedient Servant

Richd Hall

Rec^d
Read } 25 June 1735

B. P. R. O. South Carolina B. T. vol 4
E 56

At the Council Chamber Whitehall 24th May 1735

By the Right Honorable the Lords of the Committee of Council for Plantation Affairs

His Majesty having been pleased by his Order in Council of the Sixteenth of this Instant to refer unto the Committee the humble petition of Thomas Rutherford setting forth that he is (by purchase) possessed of a Grant of Twelve thousand Acres of Land in South Carolina bearing date the 25th of October 1726 and humbly praying for the reasons therein contained That His Majesty will be pleased to give the necessary directions to the Surveyor General of South Carolina now and for the time being to run out and plan to the petitioner his heirs and Assignes the said twelve thousand Acres of Land in such Tracts as the petitioner his Heirs and Assigns shall think meet such Tracts to be subject to the Regulations and Rules of Survey and no part of the said Land to be permitted to be run out in Purrysburg or any other of the Townships directed to be set out by His Majesty's Royal Instructions or within Six Miles round any of the said Townships The Lords of the Committee this day took the same into consideration and are hereby pleased to refer the said petition (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to examine into the same and report their opinion thereupon to this Committee

A Sharpe

(Inclosure)

(Inclosure)

To the Kings Most Excellent Majesty

The humble petition of Thomas Rutherford

Sheweth That your petitioner is by purchase possessed of a Grant for 12000 Acres of Land in South Carolina bearing date the 25th day of October 1726 which said Grant is one of those mentioned by the late Lords Proprietors in a return they made to an Order of a Committee of Your Majesty's most Honorable Privy Council requiring them to lay before their Lordships the several Grants of Lands made by them in Carolina since the year 1713 in which they have these words (viz) "Four Baronys consisting of 12000 Acres each were granted to Mr. Thos Lowndes and Three other persons in consideration of his services for the common good of the Province and of the surrender of a former Grant of 4800 Acres of Land which upon examination appeared never to have been set out which Deeds are Inrolled in the Common Pleas" To which Order of Council and the late Lords Proprietors Answer thereunto your petitioner humbly begs leave to refer

That your Pet.rs Grant (as he has been informed) and those abovementioned have a Warranty in them from the late Lords Proprietors to which (your Pet.r begs leave most humbly to observe) your Majesty as purchaser succeeds

That the late Lords Proprietors in order to make the Grants more marketable to the said Mr. Thos Lowndes the person Your Pet.r Claims under did upon the said Lowndes petitioning them promise to give him upon surrendering the Grants not then run out other Grants for lesser Quantities not exceeding in the whole the Quantity of Land formerly granted But your Majestys purchase of the Carolinas was set on foot before such new Grants were made

made A certificate of which premise of the late Lords Proprietors is lodged in your Majestys Office for Trade and plantations to which Your Petr humbly begs leave to refer.

Your petitioner therefore most humbly prays your Majesty to give the necessary directions to the Surveyor General of South Carolina now and for the time being to run out and plan to your Petr his Heirs and Assigns the 12000 Acres mentioned in the above Grant in such Tracts as your Petr his Heirs and Assigns shall think meet Such Tracts to be subject to the Rules and Regulations of Survey and no part of the said 12000 Acres to be permitted to be run out in Purrysburgh or any other of the Townships directed to be set out by Your Majestys Royal Instructions or within six Miles round any of the said Townships

And Your petitioner as in duty bound shall ever pray &c

Mcs Rutherford

A true Copy
H Sharpe

Recd 4 June
Read 12 do
1735

B.P.R.O. So. Carolina B.T. Vol 36 p. 137

13th June 1735

To the Rt Honble the Lords of the Committee
of His Majesty's most Honourable Privy Council

My Lords

We have considered the humble Petition of Robert Wright, His Majesty's Chief Justice in South Carolina referred to us by Your Lordship's on the 1st day of the last Month, setting forth amongst other things, that He had be upwards of three years without receiving any Salary, altho his Majestys Pleasure hath been properly signified to the Assembly of South Carolina that a convenient Salary should be settled upon him, agreeable to the Practice of other Colonies, wherefore he prays that His Majesty would be graciously pleased to give Directions for the future Payment of his Salary, and of the Arrears already due to him, as to his Majesty in his great Wisdom and Goodness shall seem meet.

We have been attended upon this Occasion by Mr Fenye Agent for the Province of South Carolina by Mr Hume formerly Speaker of the House of Assembly there and by Mr Shelton, some time Secretary to the late Lords Proprietors of this Province; and having heard

heard what they had to offer to us upon this Matter, We take leave to acquaint your Lordships.– That during all the time South Carolina was in the Hands of the late Lords Proprietors the then Chief Justice was constantly paid a Sallary of One Hundred Pounds Sterling p Annum out of the Quit rents arising to the Lords Proprietors in that Province. That since Carolina hath been purchased by the Crown the Assembly did give the sum of One Thousand Pounds current money of that Province to the late Chief Justice Mr Allen, as a Sallary for one Year, and although no Salary was afterwards Settled upon him, yet upon making up their Accounts they then allowed, and paid him his Arrears for three years and Upwards. Wherefore We would propose that the Governor should be directed to recommend it to the Assembly in the strongest manner that the Arrears due to Mr Wright may be paid to him.

But we are humbly of Opinion that it would be more for the Dignity of his Station, and conducive to a more steady and equal Distribution of Justice if the Chief Justice was made independant of the Assembly and his Salary for the future paid by

by His Majesty out of the Suit Rents arising there Or in any other manner his Majesty shall please to direct.

We are
My Lords
Your Lordships most obedient
and most Humble Servants
Fitz-Walter.
H. Pelham
R. Plumer
Edw. Ashe
Orl. Bridgeman

Whitehall
June 13th 1735

B.P.R.O. A & N I. Vol. 621

(24 June 1735)

My Lord,

Having just now received a Letter from Thomas Broughton Esqr Lieut Governor and at present Commander in Chief of South Carolina, signifying the Death of Colo Robert Johnson the late Governor of that Province; We take this Opportunity of giving your Grace this early Notice thereof that you may receive Her Majesty's Commands thereupon. We are

My Lord
Your Grace's
most Obedient and
most humble Servants
Fitz Walter
J. Pelham
Edw. Ashe
Octo Bridgeman
R. Plumer

Whitehall
June 24th 1735

His Grace the Duke of Newcastle.

B.P.R.O. A. & W.I. Vol. 621.

To the Kings most Excellent Majesty
The humble Address of the Commons House of
Assembly of your Majestys Province of South Carolina
Most Gracious Sovereign,

Your Majestys most dutifull and loyal Subjects of this your Province of South Carolina, as they equally partake with their Mother Country of the Benefits of your Wise and Glorious Administration most humbly beg leave to join with Her in Congratulating your Majesty upon the Marriage of his Royal Highness the Prince of Wales.

Your Majestys prudent care in the Marriages of your Royal Issue, and consequently to prevent those Inconveniencys which have heretofore happned by reason of a contrary Conduct, would be alone sufficient to convince the World of your Majestys Regard for your Subjects, and Zeal for the Protestant Religion, had those numerous Proofs been wanting which your Majestys Administration daily affords. Your Majesty could not have contracted a more suitable Alliance for a Prince of Wales, descended from the Illustrious House of Hanover, than with a Princess of a Family which has so

gloriously

gloriously exerted itself in the Protection and Support of the Protestant Interests, ever since the first Dawn of the Reformation: Nor could there a more favourable conjunction offer for the joyful Celebration of such Nuptials, than one wherein the care and vigilance of a King of Great Britain had baffled the views and designs of Power and Ambition, and with a steady hand refixed the Ballance of Europe, without endangering the Life or Property of one of his Subjects. Such your Majesty's Conduct, who gave the World such early proofs of your personal valour in the Defence of the Liberty's of Europe will for ever endear you to every Brittish Subject, and every Lover of Justice Humanity or Liberty.

They further entreat your Royal permission to assure your Majesty of their unfeign'd Loyalty, and highest respect for your Sacred Person, and that they esteem themselves, as they lie at so considerable a distance from your Royal presence, under a more particular Obligation to make the most Grateful returns for that Paternal care which your Majesty extends, with an equal regard, over your wide Dominions, and those many invaluable Blessings which they enjoy under your most auspicious Government, and which now they have the greatest reason to hope, will be for ever continued to their Posterity. By order of the House C. Pinckney Speaker

B.P.R.O. A & N.S. Vol. 621

To the Queens most Excellent Majesty
The humble Address of the Commons House of Assembly
of his Majesty's Province of South Carolina.

May it please your Majesty

We his Majesty's most dutiful and faithful Subjects the Commons of this his Majesty's Province of South Carolina, now newly met in General Assembly most humbly entreat your Majesty's Permission to Congratulate your Majesty upon the Marriage of his Royal Highness the Prince of Wales.

The Commons of this Province are justly sensible how late they appear in Addressing your Majesty, but late as they are, Permit them Madam to express the fulness of their Joy, on that very happy and agreeable occasion. A Joy! which inflames them with a Spirit of Loyalty and Zeal equal to that of any of their Fellow Subjects, who have the happiness of living nearer your Majesty's Royal Presence, and which admits of no Allay, nor can be lessen'd by any Circumstances of Time or Situation.

That tender regard for British liberty and generous favour for toleration in Religion which always

always possessed your Royal Breast in Concert with his most sacred Majesty, has produced such a sensible felicity among his Majesty's remotest Subjects, that they cannot now but conceive the highest hopes of having the same transmitted to Posterity:
And we think such hopes Madam, most reasonably founded at this happy Conjuncture, when your Majesty's many approved and glorious virtues have all the engaging Force to win Imitation, and to be counted a Standard of Conduct for every future Royal Consort, who shall desire to see, as well her Prince as her People happy.

That your Majesty may long live to imprint in the Royal Bride, the pleasing Pattern of your Majesties own peculiar grace and goodness and be through her transmitted to the latest Royal Lineage is a Wish naturally attending the Sense we have of our present happy Circumstances, and the desire of continuing them to British Subjects in future Ages

By order of the House
C. Pinckney Speaker

B.P.R.O. A+W.I. vol. 621.

To His Royal Highness the Prince of Wales.

The humble Address of the Commons House of Assembly of his Majestys Province of South Carolina.

May it please your Royal Highness,

His Majesty's most dutiful and loyal Subjects of this His Majesty's Province of South Carolina beg leave to Congratulate your Royal Highness upon your Marriage with the Illustrious Princess of Saxe Gotha. Though their remote Situation deprives them of the pleasure of being near your Royal Highness: yet their dutiful and affectionate Regard to his Majesty, and his Royal Family, and the fame of those Heroic virtues which you are possessed of in so eminent a Degree, have not failed in producing in them the highest Satisfaction upon this joyful occasion A Princess, the choice of your Highness approved by his Majesty, must necessarily give you all the happiness their most ardent Wishes can desire. Therefore They can only entreat your permission to pray for a long continuance of it, and that happy as your Royal Parents, you may live to see all your virtues imitated by a numerous Offspring - By Order of the House

Pinckney Speaker

B.P.R.O. a & W.I. Vol. 621

To her Royal Highness the Princess of Wales.
The humble Address of the Commons House of Assembly of his Majestys Province of South Carolina.

May it please your Royal Highness

The many good Qualitys and Accomplishments which adorn your Royal Highness, have made you the choice of the most amiable Prince of the Age, and are a call upon every British Subject to tender his warmest Wishes for your welfare and prosperity. The faithful Commons of this Province could not be so early in their congratulations upon your Highnesses Nuptials as the rest of their Fellow Subjects, or as their own Inclinations and affections would inspire; Wherefore they most humbly intreat your permission at present to discharge a Duty which they think so highly incumbent on them.

May your Highness and your Royal Consort long enjoy that mutual pleasure and satisfaction, which must necessarily flow from those Princely Virtues and from that sweet and affable temper; which all

all who have the Honour of approaching the Prince and Princess of Wales observe to the most eminent degree; That a Numerous Progeny may grow up from this Blissful Union to Crown the Virtues of their Illustrious Parents, and the most Sanguine Expectations of all his Majesty's Subjects, is the most sincere and hearty Prayer of the faithful and Loyal Inhabitants of his Majesty's Province of South Carolina

By order of the House

Pinckney Speaker

B.P.R.O. So Carolina B.T. Vol 26. p. 140

25th June 1735.

To Thomas Broughton Esqr
Lieutenant Governor

Sir,

We have received your Letter of the 6th of the last Month Signifying the Death of Col Johnson the late Governor of South Carolina, and that you have published your Commission of Lieut. Governor. and We make no doubt but that you will use your utmost Endeavours to promote the Peace and Prosperity of that Province, and to conform to the Instructions given to the late Col Johnson. So we bid you heartily farewell, and are

Your very loving Friends
and humble Servants

Whitehall
June 25th 1735

Fitz-Walter
T. Pelham
Edw. Ashe
Orlo Bridgeman.
R. Plumer.

B.P.R.O. S. Carolina B.T. vol 26 p. 141

26th June 1735.

To the Right Honble the Lords of the Com-
-mittee of His Majesty's most Honourable
Privy Council.

My Lords,

We have considered the humble Petition of Mr Thomas Rutherford, referred to us by your Lordsts on the 24th day of the last Month, setting forth that he is by Purchase, possessed of a Grant of Twelve thousand Acres of Land in South Carolina bearing date the 25th of October 1726 and humbly praying, for the Reasons therein contained that his Majesty would be graciously pleased to give the necessary Directions to the Surveyor General of South Carolina, now and for the Time being, to run out and plat to the Petitioner his Heirs and Assigns, the said Twelve Thousand Acres of Land in such Tracts as the as the Petitioner his Heirs and Assigns shall think meet, Subject to the Regulations and Rules of Survey, and no Part of the said Land to be run out in Purrysborough or any other of the Townships directed to be set out by His Majesty's Royal Instructions or within Six Miles round any of the said Townships.

Whereupon

Whereupon We take leave to acquaint your Lordships, that having been attended by Mr Rutherford, We find the Allegations of his Petition to be true, and considering that it may tend to the better peopling of the Province of South Carolina if the large Tracts of Land granted by the late Lords Proprietors be divided into lesser Parcels or Lots which may be capable of being Cultivated by Persons of small substance. We are humbly of Opinion that His Majesty should be graciously pleased to order the abovementioned Twelve thousand Acres to be Surveyed and set out to the Petitioner his Heirs and Assigns in Plots not less than Five hundred Acres each subject to the Established Regulations of Survey and the several Instructions given to His Majesty's Governor of South Carolina upon that Head.

We are

My Lords,

Your Lordships most obedient and most humble Servants

Whitehall
June 26th 1735

Fitz=Walter
Tho. Pelham.
Ed. Ashe.
O. Bridgeman
Rd Plumer.

B P R O South Carolina B 2 vol 7
E 58

Whitehall 11 July 1735

To Mured popple Esq
Sir

I send you as I promised yesterday a Copy of a Letter which I receivd from Bristol in answer to the Lords proposal relating to the Affair of Carolina depending before their Lordships and have only to desire you to observe to their Lordships what I repeated yesterday That the Traders of Bristol and many other Traders of this Kingdom were not parties to the agreement with Mr Johnson nor concerned in making the Answers to the Queries at the same time tho ten times more interested in Trade every year to Carolina in Negros than those which did And that all duties on Negros or any other commodities either necessary or Materials for planting whether paid by the Importer or purchaser are very great discouragements to the settling the province as well as to the Trade of this Kingdom If this be really fact as I conceive it is and has been shewn in papers either laid before the Lords or given to you I will not doubt but the Lords will soon come to a determination upon this Affair which is so earnestly desired by those Traders for whom I am more immediately concerned Tho give me leave to assure you that if I did not believe at the same time I am appearing in this affair for them that the Traders were perfectly right in their Application with regard to the better settling of the province and the Trade of this Kingdom I would not have given either the Lords or you any Trouble on this Occasion Sir

Your most humble Servant
Wm Wood

(Inclosure

(Inclosure) Bristol 28 June 1735

Sir

We have recived yours of the 21th and having considered it We desire you will return the Lords for answer in behalf of the Traders of this City that they cannot agree to any proposal of that kind but humbly beg leave to abide by their petition by which they pray His Majesty "That he will be "graciously pleased to disapprove the Appropriation Act and prevent any "duties being imposed on Negros Imported" And earnestly request their Lordships determination upon it

We take it that by His Majestys Disallowance of the Appropriation Act (since by that Act it is continued for seven years from the 25th of March) the Negro duty will cease But if as you inform us, it is the Lords opinion it does not We are very sure no duties should by vertue of the sd Appropriation Act or were that Law disapproved, by Vertue of any other Law be any longer collected, since we have the strongest reason to believe that by the great Importation of Negros for fourteen years past into Carolina there has been raised money more than sufficient to have sunk the whole paper Currency or whole debt owing in 1723 and to have answered much more than the Expence the whole provence has been at since the passing of the Appropriation Law in paying the passages of and providing provisions for any new Settlers, since this is the Case since duties on Negros are so great a discouragement to our Trade consequently, to the better settlement of the Colony itself, and since so bad an use has been made of the Agreement which the London

Merch[ts]

Merchants came into at the request as we have been informed of Mr Johnson then going Governor We have no manner of Incouragement to come into this proposal which for our parts we cannot see for what end it is proposed to us or who can possibly be served by it or who has power over the Legislature of Carolina to make it effectual. We find by looking into the papers you have sent us from time to time relating to this affair. that the Lords of Trade in their Report of the 22d of March 1733/4 upon the petitions of the Merchants of London and this City propose to the Lords Committee to lay the Appropriation Act before His Majesty for his disallowance And we cannot bring ourselves to believe there is anything in the Remonstrance which occasioned the Lords of Trade their present Trouble to induce their Lordps to alter their opinion For as we are very sure that the paper Mr Bragg Mr Hewlett and yourself gave in to their Lordships was a full answer to every part of it so there is shewn in it the strongest Reasons that duties on Negros were a discouragement to the Trade of this Kingdom and the better settlement of Carolina by pointing out among other things their Lordships own opinion publicly given on this head

We have nothing further to add than to acquaint you that the determination you informed us some time ago had been made on Mr Cunninghams Memorial was very surprizing to us and far from what we expected. and do desire you will request the Lords in our Name to make their Report forthwith as we have often pressed you to do And we cannot imagine that their Lordships will

will take your Application in our behalf at all amiss if they will be but pleased to take into consideration how long it is that we made Application to his Majesty by our petition And will not suppose how much soever the Determination made on Mr Cunninghams Memorial was contrary to our expectations but that their Lordships will continue to be of opinion to report for His Majestys disapprobation of the Appropriation Act. and any other Act which after the disapprobation of this Act may be in force whereby a duty on Negros is imposed But if this Affair meet with a contrary determination We are sure the trade of this Kingdom as well as the better settling of Carolina will continue to labor under very great discouragement and the Traders of Great Britain to this province must take their measures accordingly We are Sir Your most humble Servants

James Lambe. Edward Heylin. Richard Jefferis. Edm.d Sanders Jos Jefferis
John Becher. William Jefferis. Isaac Hobhouse.

(Inclosure) Extract of a Letter from Carolina

Notwithstanding the vigorous applications which have been made by the British Merchants against the exorbitant and heavy duties imposed on Negros and the Reports of the Board of Trade for a Repeal of the acts imposing them and notwithstanding the Governor has a standing and general Instruction that he shall not give his assent to any Law whereby the Trade or Manufactures of Great Britain should be affected without a suspending Clause till His Majestys pleasure is known. yet there is a Bill now depending in the Assembly and which I dare venture to affirm will

will soon pass into a Law for laying an additional duty of £7. 10 ℔ head on the buyer this Currency over and above the duty of £10 per head on all Negros imported. with very rigorous Methods proposed in the Bill for collecting this Duty. Copy of the Bills are sent by other hands both to London & Bristol for accounts cant be sent too early of an affair which in its nature will be so very injurious to trade and which will lay the Factors here under such severe difficulties before they can obtain redress from Great Britain. this last consideration I think has never been sufficiently attended to for it has been a great if not the chief encouragement to our Assemblys to do extraordinary and unreasonable things because they have in a great measure had their effects and answered the ends of the projectors before relief could be obtained Acts have been passed and numbers of people injured nay sometimes ruined before the Acts could be repealed The Mischief has been done and the Actors have passed without Notice or Censure and on that Account are always ready to pursue the like measures

There is something very remarkable in the Introduction or preamble of this Bill you see to what Height our Assemblys are grown a convention of people inferior in Capacity Estate and all other Qualifications requisite for Law Givers to the Members of many a little Corporation in England pronounce themselves His Majestys faithful Commons which besides their presumption in using the stile of the British parliament is nonsense & an Abuse of Forms. as we have no Lords here to justify such a distinction in the same preamble they make professions of their duty and submission to His Majestys pleasure and of their willingness to comply with

his

his Instructions. when at the same time they are passing an Act which is a notorious and manifest contradiction of several of those which are most material and important to the Trade of Great Britain. For I conceive it is a truth very evident that wherever a heavy duty or Imposition is imposed on any Trade or Merchandize whatsoever let it be paid by whom it will it is a discouragement to that Trade in proportion as the Imposition is greater or lesser and therefor for the Assembly to impose an additional duty of £4. 10 ℔ head to be paid by the Buyer over and above the former duty of £10 ℔ head payable by the Importer is a very great discouragement to the Negro trade. and does materially affect the Trade of Great Britain and is therefore plainly within the meaning and Letter of the Instruction which I have mentioned

The other reasons which they give in the preamble for passing this Act. Viz. that it is to bring in people and to relieve their distressed protestant Brethren is mere Grimace and void of all manner of sincerity. If they were really influenced by any such humane and charitable motives. why did they misapply the whole Sinking Fund (except £5000 ℔ annum) which His Majesty had by his Instructions expressly directed to be applyed for bringing in poor protestants? Why did they enter into Resolutions wholly to confine their Bounty to Colonel Purry's Swiss? Why did they neglect the proposals of Mr. Bragg and Captain Crokat? But these things are so well known to you. and so justly represented in the Merchants remarks on the Assembly's remonstrance to His Majesty that I need not insist on them here

Rec^d } 3 July 1735 (rec^d from Mr. Hood)
Read }

B. P. R. O. South Carolina B. T. vol 5

E. 59

1 May 1735

Extract of a Letter from Sam.l Eveleigh Merchant in Carolina to Mr. George Morley provost Marshal of the province

Last November was twelve month came over a parcel of Irish protestants from the North of Ireland which the Governor got settled at a Township called Williamsburgh at Winipaw on Black River where the Land is extraordinary good, and they immediately made up some Huts to cover them from the weather and then to clearing of Land which they planted and made very good Crops so far, that they had corn enough for themselves and 500 Bushels to spare

There are several Familys since arrived gone there to settle and I believe in a short time will be a considerable settlement I cant tell you the particular allowances they have out of the public exactly but I think it is a Cow and a Calf and a Sow to two familys 100 weight of Beef half a hundred of pork. 100 Weight of Rice to each person & 10 bushels of Corn besides Tools. This is and will be a considerable charge to the province

There was a parcel of Switzers that arrived some time ago the greatest part of their passages was paid by the public They are sent up to a Township on Santee River with the usual allowances that the public gives and this morning I received a letter from them that they were industrious and settling apace, besides which abundance of people arrive almost every day so that in a short time this province will be very well settled with white people the charges whereof were very considerable to defray which there is a very heavy Tax laid greater I believe than on any province

on

on this Main or any Island to the Southward except Jamaica It is computed that this very Town which is but small will this year pay 10,000 for Taxes

About ten days since arrived a Ship from Angola with 318 Slaves and divers other vessels are expected from Guinea so that tis probable we shall this year Import a great Number of Negros and we ought to have a good number of Whites to balance them. The duty whereof is appropriated for encouraging of the Importation of White people into Georgia. Purrysburg and several other Townships in this Province

Our Assembly has past a Bill for Appropriating all the Money that arises by the Duty on Negros to the Incouragement of the importation of Strangers and for raising of a Tax for Sinking of the Orders. which Bill would soon have been confirmed into a Law. was it not the Governor was so extremely ill. in fact so bad. that his life was despaired of.

The duty on Negros will this year I believe be very considerable There is one Vessel arrived already with 300 and odd Slaves and all sold off in two days time. and there are three more daily expected

rec^{d} from Mr Durie

Rec^{d}
Read } 4 July 1735

B. P. R. O. So Carolina B. T. Vol. 8. F. 1.

(9 July 1735.)

At the Court at Kensington
the 9th of July 1735.
Present

The Queens most Excellent Majesty Guardian of the Kingdom of Great Britain and His Majesty's Lieutenant within ye same in Council —

Upon reading at the Board a Report from the Right Honble the Lords of the Committee of Council for Plantation Affairs dated the 25th of June last in the words following viz.t —

"In Obedience to His Majesty's Order in Council of ye 3d "of April 1734 referring to this Committee a Report made "by the Lords Commissioners for Trade and Plantations "upon the Petition of Col Samuel Horsey The Lords of "the Committee this day took the same into their "Consideration and do find that the said Petition "set forth that on the 26th day of Decr 1721 the late Lords "Proprietors of Carolina signed a Warrant to make "him a Landgrave and to grant him four Baronys "or forty eight thousand Acres of Land but that the "Petitioner being then concerned in Soliciting a "Surrender of the Province of South Carolina to His

Majesty

'Majesty from the late Lords Proprietors he did
'not attempt to take up the said Lands at that
'juncture being desirous to avoid everything
'which might give any Obstruction to the
'proposed Surrender, chusing rather to depend
'upon His Majesty's Goodness for the perfecting
'his Grant when his Majesty should be in full
'possession of the Province wherefore the Petitioner
'most Humbly prayed his Majesty in regard to
'his good Services in Soliciting & perfecting
'the said Surrender and the Great Trouble and
'Expence he had been at upon that account, for
'which he hath never received any Consideration,
'that His Majesty would be graciously pleased to direct
'that a Grant might be made to him of the Lands
'comprised in the abovementioned Warrant of the late
'Lords Proprietors, in such manner as his Majesty in
'His Great Wisdom should think fitt, that he might
'be enabled to pursue his Intention of making a
'Settlement in the said Province — And the said Lords
'Commissioners having reported that the Allegations of
'the said Petition are true, and that the Petitioner
'had assured them of his Intentions to make a
'Settlement upon the said Lands, they were therefore

of

"of Opinion, that His Majesty might be graciously pleased
"to Order a Grant to be made to the Petitioner of Forty
"Eight Thousand Acres of Land in South Carolina,
"upon condition that he pays a Quit Rent of four
"Shillings Proclamation Money of that Province
"for every hundred Acres, and that one Third Part
"thereof shall be cultivated within the space of ten
"years after the Date of the said Grant. The Lords of
"the Committee have therefore no Objection to Your
"Majesty's ordering a Grant to be made to the
"Petr his Heirs and Assigns of the said Lands upon
"the Conditions above proposed, and likewise upon
"Condition that the said Lands be not taken up
"within Six Miles round of the Townships which
"now are or shall be hereafter Erected pursuant
"to the forty third Instruction given by His Majesty
"to the late Governor of that Province".

Her Majesty this day took the said Report into Consider-
-ation and was pleased, with the Advice of his Majesty's
Privy Council to approve thereof, and to order as it
is hereby ordered, that the Governor or Commander
in Chief of His Majesty's Province of South Carolina
for the time being do cause a Grant to be made
to the Petitioner his Heirs & Assigns of Forty Eight
Thousand

Thousand Acres of Land in that Province, upon the severall Conditions proposed by the said Report.

A True Copy
Ja. Vernon.

Recd Sept. ye 22d
Read Oct. 14th } 1735.

B.P.R.O. So Carolina B.T. vol 8. f. 2.

(9 July 1735)

At the Court at Kensington
the 9th of July 1735
Present

The Queens most Excellent Majesty Guardian of the Kingdom of Great Britain and His Majesty's Lieutenant within the same in Council —

Whereas Thomas Rutherford hath by Petition to His Majesty at this Board humbly represented that he is by purchase possessed of a Grant of twelve Thousand Acres of Land in South Carolina bearing date the 25th of Octo: 1736 and therefore prayed that his Majesty would be graciously pleased to give directions to the Surveyor General of South Carolina now and for the time being to run out and plan to the Petitioner His Heirs and Assigns the said Twelve Thousand Acres of Land in such Tracts as the Petitioner His Heirs & Assignes should think proper Subject to the Regulations and Rules of survey and not to be run out in Purrysburgh or any other of the Townships directed to be set out by His Majesty's Royal Instructions or within Six Miles round any of the said Townships — Her Majesty in Council

having

3 of 6

having taken the Opinion of a Committee of the Lords of his Majestys most Honourable Privy Council and also of the Lords Commissioners for Trade & Plata-tions thereupon is hereby pleased to Order that the abovementioned 12000 Acres of Land be Surveyed and set out to the Petitioner his Heirs and Assignes in Squares or Plotts not less than 500 Acres each, subject to the Establisht Regulations of survey, and the several Instructions given to His Majesty's Governor of South Carolina upon that Head. - Whereof the Governor or Commander in Chief of the said Province and also the Surveyor General of the Lands there for the time being are to take notice, and cause the said Lands to be surveyed and sett out accordingly.

A true copy
Jas. Vernon

Recd Sept 22d
Read Oct. 14th } 1735

B.P.R.O. So. Carolina B.T. Vol. 26. p. 143.

11th July 1735

To the Right Honble the Lords of the Com-mittee of His Majestys most Honourable Privy Council.

My Lords,

Your Lordships having been pleased on the 22nd Day of July 1734. to refer back to us our Report dated the 22d of March preceding upon an Act passed in His Majestys Province of South Carolina the 20th Day of August 1731. Entituled An Act for Ap-propriating the Sum of £ 104,775. 1. 3¼ towards Payment of the Publick Debts; and upon two Petitions of the Merchants of London and Bristol trading to South Carolina against the said Act, We have considered the said Report, and have also examined the Memorials of the Governor Council and Assembly of South Carolina together with the Petition of Col John Peter Purry both of them in Support of the said Act, referred to us at the same time by your Lordships.

We have been attended upon this Occasion by several Merchants of London engaged in the Trade of South Carolina, and by Mr Wood, in Behalf of the Merchants of Bristol who have offered their Reasons

for

for the Repeal of the said Law; and also by the Agent of South Carolina in Support of the Remonstrance of that Province.

And upon the whole considering the unsettled state of the Paper Credit in South Carolina, & the Inconveniences that might arise both to the Merchant and the Planter by diverting the present Fund appropriated for sinking the said Sum of £104,775. 1. 3¼ for which Orders have been created and issued bearing an Interest of 5 ℔ Cent before another Fund should be settled for the same uses, which would leave the Province destitute of money for the Encouragement of new Settlers or to make good the Engagements already contracted with the said Col. Purry for settling a Colony of Swiss and other Foreign Protestants in South Carolina. We therefore take leave to propose to Your Lordships that the said Act should for the present be suffered to ly by probationary; and that an Instruction be forthwith sent to the Governor or Commander in Chief for the time being in South Carolina to move the General Assembly there to pass a New Law to provide that the Produce of the Duties upon Strong Liquors and Negros commonly called the sinking Fund be in the first place ap-

-plyed

-plyed to the Encouragement and Assistance of such Foreigners and Others being Protestants as shall go over and settle there, and for applying the overplus of the said Duties, if any shall remain after the Demands and Expenses requisite for the Service of such new Setlers be fully satisfyed to discharge and Sink the Old Paper Bills which subsisted in this Province in February 1723, at which time an Act for calling in & sinking the Paper Bills to which Service the said Sinking Fund was applyed before the passing this Act commonly called the Appropriation Law in August 1731. And that the Assembly as likewise make effectual Provision in the New Law for the Payment and Sinking of such Part of the said sum of £104775.1.3¼ as shall then remain unpaid & extant in the aforesaid Orders bearing an Interest of 5 ℔ Cent

But if the Assembly shall refuse to comply with these Instructions, We would then propose that the said Appropriation Act of the 20th of August 1731. may be immediately repealed. In the mean time We take leave to transmit herewith to your Lordships the Draught of an Instruction that We have prepared upon these heads for the Commander in

in Chief of South Carolina, which if your Lordships should approve it may be forthwith transmitted to that Province.

We are

My Lords

Your Lordships most

obedient & most humble Servts

Fitz-Walter

T. Pelham

Orl.o Bridgeman

R. Plumer.

Whitehall
July 11th 1735.

Additional
See page 360

B.P.R.O. S. Carolina B.T. Vol 8. f. 16-17

(23 July 1735)

At the Council Chamber Whitehall
the 23rd of July 1735.

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs. —

Her Majesty having been pleased by Her Order in Council of the 9th of this Instant to refer unto this Committee the humble Petition of William Wragg and Samuel Deane Merchants in behalf of themselves and other Planters in the Province of South Carolina in America, setting forth that in the year 1713 a Design was undertaken by the Petitioners and others to erect a Sawery or several Saw Mills for the sawing of Boards and Planks in South Carolina, in which undertaking they had expended near three thousand Pounds. And that for the better carrying on the same they had sent over several persons from England and Holland and had purchased from the late Lords Proprietors Six thousand Acres of Land for which a Warrant was granted to them and their Heirs on the 29th of October 1713. — But by means of the Indian War breaking out at that time and the said Proprietors shutting up their Land Office, they were prevented from having a

Grant

Grant signed there for the said six Thousand Acres. That as the said Province is now under His Majestys Protection, the Petitioners are more desirous to carry on their said Undertaking, and therefore pray that Her Majesty will be pleased to Order a Grant to be past to the Petitioners of the said Six thousand Acres of Land pursuant to the Warrant of the late Lords Proprietors. The Lords of the Committee this day took the same into their Consideration and are hereby pleased to refer the said Petition and Copy of a Warrant thereunto annexed to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to this Committee.—

Jas. Vernon.

Recd Dec. 5th
Read Do 10th } 1735

Jo

To the Queens most Excellent Majesty Guardian of
Kingdom (during His Majesty's absence) In Council
The Petition ..... Of William Wragg and Samuel Beam
Merchants in behalf of themselves and
others Planters in the Province of South
Carolina in America concerned in
Erecting Saw Mills. —

Humbly Sheweth

That in the Year of our Lord 1713 a
Design was undertaken by your Petitioners and others
concerned with them to build & erect a Sawery or several
Saw Mills for the Sawing of Boards and Planks in South
Carolina in which Undertaking your Petitioners expend-
-ed to the amount of near £3000 and the same would
have been greatly for the service of the Province in Building
of Houses and other Edifices therein as well as to furnish
Large Quantitys of Boards and Timber for exportation.
And your Petitioners in order thereunto transported
from England and Holland into that Province several Per-
-sons for effecting the said Project and actually Pur-
-chased from the late Lords Proprietors 6000 Acres of Land
for which a Warrant was granted to your Majesty's
said Petitioners and their Heirs on the 29th of Octo One
Thousand seven Hundred and Thirteen a copy of which

Grant

Grant is hereunto Annexed.— But the Indian War then coming on and soon after the late Proprietors shutting up the Land Office prevented Your Petitioners from having a Grant sign'd there for the said 6000 Acres of Land according to the usual and Customary Form of the said Province.—

That the said Province being now under Your Majesty's Protection and Government and your Petitioners therefore more desirous to carry on the said undertaking and to be again at the Charge and Expence of erecting a Sawery Implore your Majesty that you would be pleased to direct either by Order of Council or otherwise as your Majesty shall think fit that a Grant may pass in the usual Form to your said Petitioners for the said 6000 Acres of Land pursuant to the Warrant granted by them to the late Lords Proprietors, and the Plott of the same also hereunto Annexed.—

And your Petitioners shall ever pray

Wm Wragg
Saml Deane.

sic.

this

His Grace the Duke of Beaufort
Palatin & the rest of the true and
Absolute Lords Proprietors of Car-
olina in America. —

To Coll. Thomas Broughton Surveyor
General or to the Surveyor Gen.l
for the time being of our Pro-
vince of South Carolina.

We do hereby require and command you
to admeasure and set out or cause to be admeasured & set
out for the use of John Hanson Esqr. One of the Lords Pro-
-prietors of Our Province of South Carolina & his Heirs
six Thousand Acres of Land according to the Rules usages
& Customs of Our Province aforesaid and you are to
give directions that Grants for the same may be passed
to him and his heirs accordingly reserving the Dues
Rent of 10 shillings for every thousand Acres to be
paid yearly to us our Heirs, Assigns for ever And
for so doing this shall be your sufficient Warrant
Given at St. James's Under our hands and Seals this
29th day of Octobr 1713. —

Beaufort Palatin [LS] Sulwar Shipisk [LS]
for Lord Craven

Carteret [LS]

J. Colleton [LS] M. Ashley [LS]

B P R O South Carolina B T Vol 7
E 60

London 29 July 1735

To the Right Honble
The Lords Comm^rs for Trade and Plantations
My Lords

As I have applied to your Lordships by direction from Col Robert Johnson late Governor of South Carolina for an Explanation of the Instruction for settling the Boundarys of that province and the province of North Carolina I take leave to lay before your Lordships an Extract of a letter I have lately received from James Abercrombie Esqr Attorney Genl of South Carolina who was sent as one of the Commissioners to Cape Fear upon that service which I hope is now performed in such a manner as to free your Lord^ps from the trouble of any further Enquiry into this affair. I am with great respect My Lords

Your Lordships most humble & most obed^t Servant
Richd Jury

Extract of a Letter from James Abercrombie Esqr Attorney Genl of His Majestys province of South Carolina dated the 27th of May 1735

On my return from Cape Fear in North Carolina, where I have been as one of three Comm^rs to settle the Boundary between this and that province which we have been so lucky as to accomplish to general satisfaction, and at last remove that bone of Contention. I had the pleasure of both yours by^r Jeby 13th & Jeb^y 24th 1734/5

Rec^d } 29 July 1735
Read }

B P R O South Carolina B 2 vol 9
E 61

London July 31st 1733

To the Right Honorable

The Lords Commrs for Trade and Plantations

My Lords

It is about a year ago that a gentleman of my acquaintance is gone to settle with his Family at Purrisbourg in South Carolina at which time I gave him under his care several people to carry over at my own Expence with condition & Agreement to assign me over my proportion of the Lands that should be so given to him for my said servants

Now as the said lands are in his name and as it may happen the the said person or his heirs after I should have put the said lands in a very good condition and have spent a great deal of money upon them may take advantage of the 43rd article of His Majestys Instructions to the late Governor by which it is said that to the intent that land near the Townships may not be wanting for the conveniency of the of Inhabitants as their substance shall increase, no person except the Inhabitants shall be allowed to take up any land within six Miles of the said Town

Now as I have already been at great expence on occasion of my said plantation by sending over several people, all manner of tools Iron Work, Negroes &c which amounts already to above One thousand pounds English Money. I humbly beg your Lordships to order that in the Instructions to the new Governor that the names of those who have or shall hereafter have any Lands in their name belonging to me shall be cancelled and the lands

put

lands put in my own name. for me my heirs executors administrators and assigns I hope your Lordships will grant my request in consideration of the great expence I am already at. and shall in all likelihood be at much more so that if I or my family was deprived of my said lands it would be a very great loss to us My being concerned in that new settlement cannot but be very advantageous to it for when Money is sent to a place where it is but scarce it cannot but do a great deal of Good. I am with due respect

Your Lordships

Most humble and most obedient Servant

Daniel Vernezobre

Rec^d } 8 August 1735
Read }

B P R O South Carolina B 3 vol f
E 62

12 August 1735

J. Hurca popple Esq

Sir

I send you inclosed a copy of His Majestys Sign Manual directed to Robert Johnson Esq requiring him to cause Letters Patents to be passed under the Seal of South Carolina for appointing my Father Chief Justice of that Province wherein it plainly appears that he is Empowered to hold the Supreme Courts of Judicature and to receive all and singular the profits unto the said place belonging in like manner as his predecessors have done which I beg the favor of you to lay before the Right Honorable the Lords Commissioners for Trade and the Plantations and you will oblige Sir

Your most humble Servant
Jermyn Wright

Rec^d } 14 August 1735
Read }

1153. This patent will be found enrolled under date of 20 Jan 1730

Additional Instructions to Our Trusty and Welbeloved Thomas Broughton Esqr Presi-dent of Our Council & Commander in Chief of Our Province of South Carolina in America or to the Commander in Chief for the time being. Given at Our Court at

Whereas by the 20th Article of Our Instructions to Robert Johnson Esqr late Governor of Our said Pro-vince. He was directed and Empowered to give his assent to some Law for suspending the Design of a Law passed in that Province for calling in and sinking the .... Paper Bills for the Space of Seven years, and for applying the Revenue arising thereby for the Charge of Surveying and laying out Town-ships and to the purchasing of Tools Provisions and other Necessaries for any Poor Protestants that should be desirous to settle in Our said Province.— And whereas by the Act passed in 1731 for Appropriating the Sum of £ 104,775-1-3¼ towards the payment of the Publick Debts in consequence of Our said Instruction the whole Revenue was not appropriated to the service of new comers as it ought to have been. It is therefore Our Will and Pleasure that you endeavour to

to get a Law passed for altering so much of the aforesaid Law as it is not consistent with the said 20th Article of Our aforesaid Instructions. And that it be by the said Law enacted that during the continuance thereof, after the annual Service of the new comers is provided for, any Overplus that may remain shall be applyed to the discharge of the old Bills of Credit for which Purpose the said Duties were originally given by the Act for calling in and sinking of Paper Bills, passed in our said Province in 1723/4. And that Provision be likewise made in the said Law, for the Payment & sinking of such Part of the said Sum of £104,775.1.3½ as shall then remain unpaid. And you are further to Signify to Our Assembly that unless they Immediately comply with what is herein proposed We shall disapprove the aforesaid Act for appropriating the Sum of £104,775.1.3¼ towards the Payment of the Publick Debts. but you are not hereby to understand that We do by this Instruction in anywise give you leave to suspend the design of the Sinking Fund longer than the duration of the last mentioned Law or for continuing the Duties for a longer term than that for which they were originally Granted by the aforesaid Act of 1723.

B. P. R. O. So Carolina B. T. Vol 26. p. 150

14th Augt 1735.

To the Right Honoble the Lords of the Committee of His Majestys most Honourable Privy Council.

My Lords.

We have considered two Petitions to His Majesty from Robert Wright Esqr Chief Justice of the Province of South Carolina referred to us by your Lordships on the 22nd Day of Mar. 1733 and the 13th Day of January 1734, wherein He complains of Two Acts passed by the General Assembly of that Province, the One intitled, An Act to prevent any Delay of Justice that may be occasioned by not drawing the Juries which are to serve at the next ensuing Court of Common Pleas, General Sessions of the Peace, Oyer & Terminer Assize and General Goal Delivery, on the Days appointed for that purpose & for the Regulation of the several Courts therein mentioned passed in February 1731 the other Entituled an Act for the better Regulating the Courts of Justice in this Province and for altering the Time of holding Courts passed in April 1734

We have also considered the Protest of the said

said Chief Justice against the last mentioned Act in which Petitions and Protest, it is set forth that by the First of these Acts the Governor of South Carolina is impowered and required to Nominate and appoint two or more Assistant Judges in the Court of Common Pleas in that Province with Power to hear and determine all Causes in the said Court to be holden for ever hereafter in Charles Town, together with the Chief Justice for the time being, which the Petitioner Represents as an Encroachment upon His Majesty's Prerogative and undoubted Right of appointing Judges; and that the Governor in Pursuance of this Act hath appointed two Assistant Judges who are entirely Ignorant of the Laws and over-rule the Petitioner in all judicial Acts, and pretend a Right to several of the Fees and Profits belonging to the Office of Chief Justice: And that in the last mentioned Act there are several Clauses which the Petitioner conceives to be expressly contrary to His Majesty's Royal Instructions to the Governor of South Carolina, as well as manifest Infringement of the Prerogative, repugnant to the Laws of Great Britain generally prejudicial to private Property and the publick Administration of Justice, and injurious

to

to the Petitioner in his Office of Chief Justice, upon all which he humbly prays His Majesty to take the same into His Royal Consideration, and to give such Instructions for the Petitioners future conduct in the Execution of His Office, and such other Relief in the Premises as His Majesty shall think fit.

We have been attended upon this Occasion by the Agents for the Petitioner and the Province of South Carolina, and have heard what either Side had to offer for the Disallowance or Confirmation of the above mentioned Acts and upon the whole We take leave to Your Lordships, that the Power of appointing Judges being a Right inherent in the Crown, Acts of Assembly are therefore unnecessary for that Purpose, and may be considered as an Encroachment upon His Majestys Prerogative for which Reason we are of Opinion that these Acts should be laid before Her Majesty for her Disallowance. But at the same Time We think it highly necessary, both for the Honour of His Majesty's Justice and the welfare of his Subjects in South Carolina that Assistant Judges should be appointed in the several Courts of Law in that Province, and We would humbly propose that the Governor or Commander in Chief

for

for the Time being, may be order'd to constitute Two Assistant Judges in each Law Court of the Province, who may have equal Power in the Dispensation of Justice with the Chief Judges of the said Courts, in the same manner as is practiced by the Puisne Judges in the Courts of Law in England.

And we take leave herewith to lay before your Lordships the Draught of an Instruction that We have prepared upon this Head for the Commander in Chief of the Province of South Carolina, which if your Lordships should approve it may be immediately transmitted to Him.

We are
My Lords
Your Lordships
most Obedient and
most Humble Servants
Fitz-Walter
Tho. Pelham
Rd. Plumer
Ja. Brudenel

Whitehall
August 14th 1735

B.P.R.O. So Carolina B.T. Vol 26. p. 155

14th August 1735

Additional Instruction to Our Trusty and Welbeloved Thomas Broughton Esqr Lieut Govr and Commander in Chief in and over Our Province of South Carolina in America. Or to the Commander in Chief of Our said Province for the time being Given at Our Court.

Whereas Robert Johnson Esqr late Governor of Our said Province of South Carolina, gave his Consent to the passing of two Acts of Assembly the One Entituled "An act to prevent any delay of "Justice that may be Occasioned by not drawing "the Juries which are to serve at the next ensuing Court "of Common Pleas, General Sessions of the Peace, Oyer "and Terminer, Assize and General Goal Delivery, "on the Days appointed for that Purpose, and for the "regulating of the several Courts therein mentioned" passed in 1731; The other Entituled "An Act for the "better regulating the Courts of Justice in this Province "and for altering the Time of holding Courts" passed in 1734. By these Acts the Governor of Our said Province is empowered and required to Nominate & appoint two or more Assistant Judges in the Court of Common Pleas

Pleas in that Province, with Power to hear and Determine all Causes in the said Court, to be holden for ever hereafter in Charles Town, together with the Chief Justice for the time being, which being an incroachment upon Our Prerogative and undoubted Right of appointing Judges. We have thought fit to repeal the said Acts; But it having been represented to Us, that it will be for the Honour of Our Justice and the Welfare of Our Subjects in South Carolina, that Assistant Judges should be appointed in the several Courts of Law in that Province, We are graciously pleased to allow and direct you to constitute two Assistant Judges in each Law Court in the said Province with equal Power in ye Dispensation of Justice with the Chief Judges of the said Courts, in the same manner as is practised by the Puisne Judges in the Courts of Law of the like Denomination in that Part of Our Kingdom of Great Britain called England.

B.P.R.O South Carolina B.T. Vol 8. f 26.

(14th Aug 1735)

At the Council Chamber Whitehall.
the 14th day of August 1735.
By the Right Honourable the Lords of the Com-
-mittee of Council for Plantation Affairs.

Her Majesty having been pleased by Her Order in Coun-
-cil of the 30th of last Month to refer unto this Committee
the humble Petition of Samuel Wragg of London Merchant
who was several Years one of the Council of the Province
of South Carolina under the Government of the late Lords
Proprietors, and of Joseph Wragg his brother now in Carolina
and one of the Present Council of that Province by His
Majesty's Royal Direction and Appointment humbly
praying that Her Majesty would be graciously pleased to
order that a Tract of Twelve Thousand Acres of Land
in Granville County on the River May, which were formerly
granted to his Grace the Duke of Beaufort and have
since been Surrendered to the Crown may be set out
for the Petitioner Samuel Wragg And that another
Tract of Twelve thousand Acres at Wyniaw in Craven
County which were also formerly granted to the said
Duke of Beaufort and are now become vacant Lands may
be likewise set out to the Petitioner Joseph Wragg in

Order

Order to their Planting and Settling the said Lands.—
The Lords of the Committee this day took the same
into their Consideration, and are hereby pleased to
referr the said Petition (a Copy whereof is hereunto
annexed) to the Lords Commissioners for Trade and
Plantations to Consider the same and Report their
Opinion thereupon to this Committee —

W. Sharpe.

Recd June 25th } 1736
Read Do }

(Inclosure.)

Inclosure to F. 26.

The Queens most Excellent Majesty Guardian of the Kingdom (during His Majestys Absence)
In Council.

The Humble Petition of Samuel Wragg of London merchant who was several years One of the Council of the Province of South Carolina under the Government of the late Lords Proprietors. And of Joseph Wragg His Brother now in Carolina aforesaid and one of the Present Council of the said Province by your Majesty's Royal Direction & appointment.
Sheweth.

That Your Petitioner Samuel Wragg has with great Charge and Expence to himself, procured upwards of 400 Persons to Transport & settle themselves in that Part of Carolina and has continually traded to that Province as considerably as any other Person whatever. — And that they the said Samuel & Joseph Wragg, have consequently the Interest and advantage of that Colony more at heart than any other Trade Whatsoever. —

They therefore being desirous to be assisting not only to the Country of Georgia but also to the Settlement that Mr. Pury has already made in that Province do Humbly desire that the said Samuel Wragg may have

have 12,000 Acres of Land in Granvill County on the River May, which were formerly granted to his Grace the Duke of Beaufort and have since been surrendred to the Crown. And that your Petitioner Joseph Wragg may have 12,000 Acres at Wyniaw in Craven County which were formerly granted also to the said Duke of Beaufort and are now become vacant Lands that they may Plant and Settle the same, and that they may thereby be enabled to Carry on a Trade & Correspondence wth the Settlements of Georgia and the above Settlement of Mr Pury and would tend mightily to the advancement of the Trade & the flourishing condition of the said Settlements and the Province aforesaid.

And your Petitioners are willing to pay such Price and Quit Rent as was by the Instruction to Governor Johnson reserved for the same, and are contented to pay the said Rent yearly to the Auditor General or such person as your Majesty shall direct and appoint on the Exchange in London.

Your Petitioners therefore Humbly Pray that your Majesty would be graciously pleased to Order the said Lands to be set out for your Petitioners they being willing to pay the Quit Rent here in London from the Date of their Grant in manner & form as is abovementioned. and your Petrs shall ever pray

Jam. Wragg
Jos. Wragg

B.P.R.O. South Carolina B.T. vol 5
E.96

Whitehall 3. Sept 1735

To Alured Popple Esq

Sir

The Traders to London Bristol and Liverpool to Carolina in Negroes being informed by Letters of the 9th of June from that province That a Law was just passed there for applying the whole Negro Duty of Ten pounds per Head Money of that province without limitation for bringing in Protestant Settlers I am directed by them to desire that you will move the Lords for a copy of the said Act and copy of the Journal of the Assembly relating to the continuing this heavy duty so great a discouragement to the Trade of this Kingdom and the better Settlement of the province itself. And I am likewise directed to desire you will move the Lords that they will be pleased to take the said Act or the consequences which the continuing of this duty is also to his Majestys Subjects trading in Negroes to Carolina into their immediate consideration and report their opinion thereupon to His Majesty since the Traders conceive that by their taking any other step of application on this Act or relating to the continuance of the Duty on Negroes it will take up so much time (as they have experienced on other Occasions) that the Mischief will probably be remediless to almost every particular Trader which has been sensibly felt by all Trades in their turn where duties have been imposed on Negroes in other His Majestys Colonys notwithstanding the disapprobation of the Acts imposing them And therefore they have judged proper to direct me to make this

this Application by you to the Lords which they are informed was originally the way of proceeding when any acts were passed in any of the British Colonys in America prejudicial to the Trade Manufactures or Navigation of this Kingdom. I am with great respect Sir

Your most humble Servant

Wm Wood

Recd
Read } 4 Sept 1735

B.P.R.O. So Carolina B T Vol 26. p 157.

3rd Sept. 1735

To Francis Fane Esqr

Sir.

I am commanded by my Lords Commissioners for Trade and Plantations to send you the inclosed Papers Viz.t (1) The Form of a grant of Land in South Carolina from His Majesty to the Inhabitants of that Province; (2) Some Observations made by the Council and Assembly of South Carolina upon the said Form of a Grant &c. (3) Report of the Attorney General of South Carolina upon those Observations: and to acquaint you that their Lordships desire your Opinion thereupon in point of Law as soon as conveniently may be. I am

Sir

Your most humble Servt

A. P

Whitehall
Sept. 3rd 1735.

P.S. Please to return the inclosed Papers with your Report

B.P.R.O. So Carolina B.T. Vol 26. p. 159

12th Sept 1735

To Colonel Broughton
Lieut. Governor of South Carolina

Sir,

My Lords Commissioners for Trade and Plantations having been informed that notwithstanding the Appropriation Law passed in South Carolina the 20th of August 1731 directing a Provision for such Protestants as should go to settle in that Province the Assembly are now come to a Resolution not to allow any Part of the said Provision to the Servants of the said new Settlers should carry with them. As this would in great Measure prevent the good design of the said Appropriation Law and might be looked upon as a breach of Faith on the part of the Province by such Persons who may go to settle there under the Encouragement of the Act I am commanded to acquaint you with the Boards Opinion that you ought to use your endeavours with the Assembly, supposing Our Information is true to put a stop to anything that may tend to prevent new Settlers going thither.

I am

Whitehall
Sept. 12th 1735

your most humble Servt
A. P.

B.P.R.O. S. Carolina B.T. Vol 8. 7.7

(7 Oct 1735)

To the Right Honble The Lords Commissioners for Trade and Plantations.

My Lords,

In Obedience to your Lordships commands signified to me by Mr Popple Inclosing the following Papers.

1st The Form of a Grant of Land in South Carolina from His Majestie to the Inhabitants of that Province.

2d Some Observations made by the Council and Assembly of South Carolina upon the Form of a Grant &c.

3d A Report of the Attorney General of South Carolina upon those Observations, and desiring my Opinion, thereupon in point of Law.

I beg leave to acquaint your Lordships that I have considered of the same and am of Opinion that the Forme of the Grant as settled by the Attorney General of Carolina is extreamly proper, such reasonable conditions and reservations being made therein, as are usually incerted in all the Grants I have seen from His Majestie to his Subjects in that

part

part of the World.

Which is humbly Submitted to your Lord-ships Great Wisdom by

My Lords
your Lordship's most
Obedient Humble
Servant
Fran: Fane.

October 7th 1735.

Recd Octob. 7e 8th
Read Nov. - 28th } 1735.

B. P. R. O. A + W. I. Vol 19. p. 67.

Col. Broughton Whitehall 10 Oct 1735.

Lt Govr of South Carolina.

Sir,

I am to acknowledge the favour of your letter of the 6th of May last with an Account of the Death of Gr Johnson. I doubt not, but that, as long as you shall continue in the Administration of that Government you will do everything in your Power that may be for his Majesty's Service, + the Interest of the Colony.

I take the Opportunity of Mr Oglethorp's going to Carolina, to suggest to your consideration by Her Majesty's Commands, some points, which if they can be brought about, Her Majty thinks, may contribute to the Security, + Welfare of the Colony, which is at present, committed to your Care.

That Her Maty thinks it proper that the Independent Company should be removed to the Southward, + Quartered upon the Island of St Simons, and the Queen would have it be considered Whether it may not be for the service of the Colony that you should recommend it to the Assembly, to give their Assistance towards fortifying that Island and

to

to send down Two Hundred Negros, to work, for one year, upon building a Fortress there:

And that you should also recommend it to the Assembly to pass an Act, for contracting with persons of Substance and Ability, for settling the Townships, And to give to such Person or Persons, such Parcels of Lands within the Townships, & within the Six Miles round the same and such other Encouragements & Authority, as the Assembly shall find Necessary, for the better peopling of the Townships.

Provided always, that the Contractor, or Contractors shall be obliged to settle six hundred White Men, Women & Children, in the Township, for which they contract within Six years from the date of the Grant, and in case, That the Contractor, or Contractors shall not within Six years, settle the whole Number of Six Hundred, Then to forfeit so much of the Lands, contracted for, as shall be proportionable to the Number deficient; and also to forfeit all such Parts, or Parcels of Land, as he shall not pay Quit Rent for, when the said Quit-Rent becomes due.

Mr. Oglethorp, who will be upon the spot, has so true a Knowledge of the nature & Constitution of the

Colony

Colony, and so much Zeal, & Concern for the Interest of it, that Her Mty is persuaded, He will be able to give You very usefull Lights, whenever you shall consult with him, in matters relating to the Safety, Defence & Improvement of Carolina

I am &c

Holles Newcastle

B. P. R. O. So Carolina B. T. Vol 8 f. 18

Georgia Office Octr 10th 1735

Sir,

Whereas the Trustees for Establishing the Colony of Georgia in America employ'd you in their Service in order to settle a Fort in the Indian Country, and to keep up a good Correspondence with all the Nations in alliance with the King of Great Britain and thereby secure the Tranquillity not only of Georgia, but also of So Carolina.

The Trustees always desirous of cultivating a good Correspondence with the People of South Carolina, have found that your Behaviour hath occasioned a general Dissatisfaction in that Colony; and as they have many Obligations to South Carolina, They will not continue in their service a Person so obnoxious. They do therefore hereby Discharge you from the said Service.

The Trustees are very sorry to find there is a Complaint against you from the Governor of St Augustine, as having in time of full Peace between the King of Great Britain, and the King of Spain, incited the Indians to kill the Subjects of his Catholicke Majesty. The Trustees think it their Duty in Execution of the great Trust reposed in them by his Majesty to inquire with

with the utmost strictness into the truth of the said fact. and they hope you may be able clearly to prove your Innocence.

I am

To Capt. Patrick Mackay. Sir

your very humble Servt

Benj Martyn Secr

Recd
Read } Dec. 18th 1735

B.P.R.O. So Carolina B.T. vol 8. F. 19.

Sir,

The Right Honble Earl of Egmont having communicated to the Trustees for Establishing the Colony of Georgia in America your Letter to his Lordship of October last, together with a Memorial of the several Merchants of Charles Town concerning the Indian Trade the affidavits of several Traders to the Creek Nations and also Copies of two Letters from the Govr of St Augustine, and one from the Commandant of Mobille relating to the Conduct of Capt Patrick Mackay; The Trustees immediately took the same into consideration and they have ordered me to acquaint you, that it does not appear to them that the said Patrick Mackay himself claims to have acted under any Commission or Instructions relating to Trade, but what were given him by His Excellency Robert Johnson Esqr late Govr of South Carolina, Which Commission and Instructions not having been produced to the Trustees, they leave the said Patrick Mackay to answer for his Conduct therein to Those from whom they issued

The Trustees find the Commission and Instructions given to the said Patrick Mackay by James Oglethorpe Esqr

Esqr relate only to the building of a Fort in the Indian Country, and the Command of a Company in Garrison.

They have given Instructions to Mr Oglethorpe to inquire into the several Crimes laid to the charge of the said Mackay, and on proof of any such as are cognisable by them, They will take care that such Punishment shall be inflicted on him, as he shall appear to deserve. And they hope that no Misbehaviour of his (Which will never receive any Countenance from them) shall give any interruption to the friendly and generous assistance given to their Infant Colony by the Province of South Carolina.

The Trustees, being justly sensible Sr of the ill Consequences that would unavoidably happen to the Province of Carolina and Georgia on a Rupture with the French and Spaniards, have all along given such Directions to their Magistrates and Officers, as tend most to cultivate a friendship and good understanding with them; and hope they need not assure You, that it was with the utmost Grief and Concern they heard of the Murder committed on a Spaniard by Lickea; As soon as that fact came to their knowledge (which was previous to the Receipt of Your Letter,) they immediately gave Directions that a strict Inquiry should be

be made after the offenders, in order for their Punish-
-ment, and sent the inclosed Letter by Mr Oglethorp
to dismiss the said Patrick Mackay from their Service.

As to the Privilege and Liberty of trading with
any Nation of free Indians under His Majestys Pro-
-tection. The Trustees direct me S^r to acquaint you,
that they pretend to no Exclusive Right. But they
apprehend that you must agree with them in
Opinion, that no Trade with the Indians can be
carried on to any good Effect, unless under some
proper Regulations; and His Majesty having by an Act
lately passed in Council in his great Wisdom determind
what those Regulations within the Provinces of Georgia
shall be, the Trustees for your Information have here
-with inclosed the said Act.

As to the Militia of the Province of Georgia
The Trustees, not imagining they should have People in
Georgia capable of commanding in Chief, desired that
in their Charter, on all extraordinary occasions,
where a Commander in Chief of the Militia of both
Provinces should be necessary to take the Field, That
the Command might be placed in the Governor of
South Carolina for the time being, for the common safety
of two Provinces so closely United. But in all Ordinary

Cases

cases, the Command of the Militia by the Antecedent Clause in their Charter is placed in the Trustees, and such Person or Persons as they shall appoint; and therefore it is not without the utmost concern, that the Trustees observe the Order you was pleased to send to the Militia in Georgia, and cannot but reflect with great uneasiness on the ill-consequences that might have attended the Execution thereof, which so directly tended to the Dissolution of Civil Government, and might have exposed the Colony defenceless to the greatest Dangers and might even have proved of the Greatest Ill-consequence to South Carolina itself, if what was then expected (a Rupture between Great Britain France and Spain) had happened.

The Trustees have inclosed with this their Annual Account from the 9th of June 1734 to the 9th of June 1735. Which was (pursuant to their Instructions in their Charter) lately delivered to the Rt Honble the Lord High Chancellor and to the Honble the Master of the Rolls. by which Account you will see Sr the just sense the Trustees have of the Obligations which the Colony of Georgia has received from the Province of South Carolina, and their Desire to perpetuate the Remembrance of the same.

I

Georgia Office

I am
Sir
Your most Obed.t
humble Servt
Benj. Martyn Secry

To the Honble Thomas Broughton Esqr
Lieutenant Govr of his Majestys Province
of South Carolina in America

Recd
Read } Dec 18th 1735

9 in Comm. Journ. of Virginia 1776
it is dated Jany 5. 1735-6.

B.P.R.O. So Carolina B.T. Vol 8. 7.8.

(13th Oct 1735.)

At the Court at St James's.

the 13th of October 1735

Present

The Queen's most Excellt Majesty Guardian of the Kingdom of Great Britain and His Majestys Lieutenant within the same in Council.—

Upon reading this day at the Board a Report from the Right Honourable the Lords of the Comittee of Council dated the 11th of August last, humbly proposing that an Act past in the Province of South Carolina on the 20th of August 1731 Entituled An Act for Appropriating the sum of 104.775.1.3¼ £ s d towards payment of the Publick Debts should for Present be suffered to lye by Probationary, and that an Instruction should be sent to the Commander in Chief of the said Province to pass a new Law for Altering so much of the Aforesaid Law as is not consistent with the 20th Article of His Majestys Instructions to the late Governor of the said Province Her Majesty taking the said Report into Consideration and Approving of what is therein proposed, is hereby pleased, with the Advice of His

Majestys

Majesty's Privy Council, to Order that the said Act do for the present lye by Probationary. —

A true Copy
Wm Sharpe

Recd Dec. ye 4th
Read Do ye 5th } 1735.

B.P.R.O So Carolina B.T. Vol 8. F. 9.

(13th Oct 1735.)

At the Court at Kensington
the 13th day of October 1735
Present.

The Queens most Excellent Majesty Guardian of the Kingdom of Great Britain and His Majesty's Lieutenant within the same in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantations Affairs dated the 14th of August last in the words following viz.t

His Majesty having been pleased to refer unto this Committee two Petitions of the Merchants of London & Bristol trading to South Carolina praying for the reasons therein contained that an Act past in that Province on the 20th day of August 1731. Entituled An Act for appropriating the sum of £ 104775. 1. 3¼ towards payment of the Publick Debts might be repealed; And His Majesty having been pleased likewise to refer unto this Committee a Remonstrance of the Governor Council & Assembly of the said Province together with a Petitioner of Sole John Peter Purry both of them in Support of the said

Act

act.– The Lords of the Committee did sometime since take the same into their Consideration, and being informed that the said Act was before the Lords Commissioners for Trade and Plantations. The Committee thought proper to refer the said Petitions and Remonstrance to the said Lords Commissioners for their Opinion – Who have thereupon Reported to this Committee "That they have been attended by several Merchants of London engaged in the Trade of South Carolina and by Mr. Wood in behalf of the Merchants of Bristol who have offered their Reasons for the repeal of the said Law and also by the Agent of South Carolina in Support of the Remonstrance of that Province – And that upon the whole considering the unsettled state of the Paper Credit in South Carolina and the Inconveniencys that might arise both to the Merchant and the Planter by diverting the present Fund Appropriated for Sinking the said Sum of £104775. 1. 3¼ for which Orders have been created and Issued bearing an Interest of five p.ct per cent before another Fund should be Settled for the same uses which would leave the Province destitute of Money for the Encouragement of new Settlers or to make good the Engagements already contracted with the said Col.o Purry for Settling a Colony of Swiss and

other

other Foreign Protestants in South Carolina. They were of Opinion that the said Act should for the Present be suffered to lye by Probationary, and that an Instruction should be forthwith sent to the Governor or Commander in Chief for the time being in South Carolina, to move the General Assembly there to pass a new Law to provide that the Produce of the Dutys upon Strong Liquors and Negros Imported into that Province commonly called the Sinking Fund be in the first Place applyed to the Encouragement and Assistance of such Foreigners and others being Protestants as shall go over and Settle there and for applying the overplus of the said Dutys, if any shall remain after the Demands and Expences requisite for the Service of such new Settlers be fully satisfied, to discharge and sink the Old Paper Bills which Subsisted in this Province in February 1723 at which time An Act was passed there entituled An Act for calling in and Sinking the Paper Bills to which service the said Sinking Fund was applyed before the passing this Act commonly called the Appropriation Law in August 1731– And that the Assembly should likewise make effectual Provision in the new Law for the Payment and Sinking of such part of the said Sum of 104,775. l. 3 s. 4 d. as shall then remain unpaid

unpaid and extant in the aforesaid Orders bearing an Interest of five p cent - But that if the Assembly should refuse to comply with these Instructions, that then the said Appropriation Act of the 20th of August 1731 might be immediately repealed: - The Lords of the Committee upon considering what is above proposed by the Lords Commissioners for Trade and Plantations do humbly Report to your Majesty, that they Agree in Opinion with the said Lords Commissioners, that your Majesty may be pleased to suffer the said Act past in August 1731. to lye by Probationary, And that it may be adviseable for your Majesty to give an Instruction to the Governor or Commander in Chief of South Carolina to move the General Assembly to pass a New Law in the manner proposed by the said Lords Commissioners - And the Committee beg leave humbly to lay before your Majesty a Draught of an Additional Instruction prepared for this purpose by the said Lords Commissioners, for the Governor or Commander in Chief of South Carolina. -

Her Majesty this day tooke the said Report into consideration and was pleased, with the advice of His Majesty's Privy Council, to approve of what is therein proposed and to give Orders that the said Act past in 1731 Entituled

An

An Act for Appropriating the sum of 104.l 775. i 3/4 to-
wards Payment of the Publick Debts should for the present
lye by Probationary. And Her Majesty doth hereby
Order that His Grace the Duke of Newcastle One of
His Majestys Principal Secretarys of State, do cause the
Draught of Additional Instruction which is hereunto
annexed to be prepared for Her Majestys Signature

A True Copy
Wm Sharpe

Recd Dec 4th
Read Do 5th } 1735.

B.P.R.O. S. Carolina B.T. Vol 26 p. 160

21st Oct 1735

To Mr Attorney General

Sir,

My Lords Commissioners for Trade and Plantations having lately had under their Consideration some Remarks made by Mr Yonge, One of the Agents for South Carolina, upon the Draughts of the Quit Rent Law; I am commanded to send you a Copy thereof, and to desire you'll please to reconsider your said Draught upon which my Lords desire an Opportunity of Speaking with you on Tuesday next at one o'clock. I am

Sir

your most humble Servt

A. P

Whitehall
October 21st 1735

B.P.R.O. So Carolina B.T. Vol. 8. F 10.

(October 1735.)

To the Right Honble the Lords Commissioners for Trade and Plantations.

The Humble Remonstrance of the Honble Thomas Broughton Esqr his Majestys Lieut. Governor and Commander in Chief in and over the Province of South Carolina

May it Please yor Lordships

My Duty to His Majesty, and Regard to the Welfare and Safety of this His Province, with that of Georgia makes it indispensibly necessary to lay before your Lordships for your Judgment and Directions thereon, the Complaint of several of his Majestys Subjects of this Province, Merchants and Traders to the Creek Nation of Indians, Exhibited to me in Council accompanyed with several Proofs and Affidavits relating to the Extraordinary Behaviour and Conduct of Capt Patricke Mc Key Agent for Indian Affairs in Georgia towards their Agents and Traders among the Creeks from this Province, and also to lay before your Lordships the purport of three Letters I lately received from his Catholick Majestys Governor of St Augustin and one from the Commandt at Moville on behalf of his most Christian Majesty, by which your Lordships will perceive, the

the very great Umbrage Capt. Mc Key thro' his ill Conduct has given to those Governors, and which has occasioned not only their Remonstrating the Case to me, but also Threats of their making Reprisals on his Majesty's Subjects under my Government with those of Georgia and also an actual Augmentation of their Force in and towards the Indian Nations.

Your Lordships will observe it to be the highest Act of Indiscretion in Capt. Mc Key and which may prove of the last ill consequence to the Establishing the Settlement of Georgia to proceed in such a Manner as to give either the French and Spaniards reason to think it necessary at this time to Augment their Forces amongst the Indians, which the first have done by the addition of Fourty men to their Fort at Albamas and the latter by raising three Hundred Men and putting them in Garrison in St. Marks.
From whence with ease they may make Incroads not only in the New Settlement at Georgia but also in this Province, and which the Governor of St. Augustin by the Letter of the 13th. of May ult. seems to threaten. But when your Lordships consider the other part of that Gentleman's Conduct in regard to his dismissing and forbidding the Traders Licensed from this

Provina

Province any further Trade or Commerce with those Indians, and which fully appears by the affidavits herewith Transmitted. Your Lordships will be of Opinion he deserves the severest Censures. Because if ever an Increase of our Traders and thereby an Increase of our Strength among the Indians is necessary, it must be so when the French and Spaniards are augment-ing theirs among those People. And therefore for Capt Mc Kay at the same time that he is giving the French and Spaniards cause of Jealousy, and by actual Pro-vocations making them augment their forces, for him to dismiss our Traders and thereby weaken our hands and Interest among the Indians, can surely be done only with Intention to Injure and betray his Majesty's Interest and that of His Majesty's Subjects among those People, and can therefore be founded on no legal Power or authority derived under the Honble Trustees for Establishing the Colony of Georgia or any one else. And were these Acts of Violence of his to be considered only in the light of Injuring his Majesty's Subjects of this Province in molesting & hindring them from carrying on a Trade with a free People, which they had enjoyed from the first Settlement thereof, and which this Province has for many years been at a

very

very large Expence to preserve. They could not I presume be justified before your Lordships much less can they be so when this single Consequence is Consider'd namely, by how much the Strength and Interest of this Province is diminished among the Indians, by so much and more, will that of France and Spain be encreased.

I have may it please your Lordships with his Majesty's Honble Council perused and considered his Majesty's Royal Charter for Establishing the Colony of Georgia, by which all those Lands and Territorys lying and being between the two Rivers of Savannah and Alatamaha are Granted to the Trustees for Establishing that Colony, but we do not perceive that thereby it was his Majesty's Intentions to Graat to the Trustees an Exclusive Trade with the several Nations of Indians Inhabiting within those Bounds or to deprive His Majestys Subjects of this or any other of his Provinces from a Trade with them and which they had long enjoyed, nor indeed do we find that the Honble Trustees have ever considered their Charter in that extensive light or claimed a Right exclusive of all his Majesty's other Subjects to Trade with the Indians within

the

the Limits of their Governments and I am persuaded these Honble Gentlemen will never Interpret it in that manner Since as I imagine such a construction would greatly tend to frustrate the Settlement of that Colony by Emboldening the Indians and giving them room to believe that they are a Separate distinct People from us, proceeding on different views and Principles nor less would it tend to the Diminishing the British Interest in General among those People, to give them any Grounds to imagine that the Interest of the Two Provinces of Carolina and Georgia were Incompatible.

Give me leave further to inform your Lordships that on hearing the above complaints of the Merchants and Traders of this Province on their Agents Factors and Servants being treated in so outrageous a manner and Inhibited by Capt Mc Kay from any further Trade among the Creeks and actually turning them out of their respective Towns to which they had been duely & Regularly Licensed to trade, And that the Head Bayliff of Savannah had threatened to support him in his Illegal and unwarrantable Proceedings therein with a Detachment of Fifty or Seventy men of the Militia of Georgia I assembled his

his Majesty's Council of this Province for their Advice in this arduous affair, who were of Opinion that it would be necessary to Remonstrate the whole Transactions to your Lordships for your Lordships assistance in Setting the Matter right with the Gentlemen in Power at Georgia and Praying Your Lordships to let these Gentlemen know that the Honble Trustees for Establishing that Colony have no Right by their Charter to an Exclusive Trade with the Indians in the Bounds of their Government no more than any other Provinces in America have with the Indians within their Respective Limits, and that his Majesty's Intentions were Equally Gracious to all his Loving Subjects in permitting them all a full Liberty to carry on Trade and Commerce with the Indians, altho' Inhabiting within the Limits of another Government than that from which the Trade was Negotiated agreeable to the Policy and Instruction of her late Majesty Queen Anne to the Governor of this Province with regard to the Traders of Virginia, and that therefore the Agent for Indian Affairs at Georgia should not presume to offer any Violence or give any Lett or hindrance to his Majestys Subjects Trading with the

the Creeks or other free Indians from this Province and that in the mean time to prevent any mischief that might arise or Damage happen to any of his Majesty's Subjects thro the Temerity or Inadvertency of the High Bailiffs of Savannah marching any of the Militia of Georgia into the Indian Country against his Majesty's good Subjects I would by vertue of the Clause in the Charter for Establishing that Colony, whereby the Command — in Chief of the Militia of Georgia is given to his Majesty's Governor of this Province Command the Officers of the Militia of Georgia not to raise and march any of their Militia into the Indian Country without my Special Orders, first had and obtained except such as should be raised by the Officers appointed to Erect a Fort & Garrison in the Creek Nation according to an Agreement Stipulated by this Government and that the Militia so to be raised should be Employed only in that Service, or against the Enemies of his Majesty, and no ways to interfere in the Trade, which I have accordingly done, and hope it will have the desired Effect in preventing the Mischief which the Rashness of an attempt to raise the Militia of a Province to support a Man

in

in his Illegal Acts would otherwise have involved us in.

All which I take the Liberty to lay before your Lordships and am with great Respect

My Lords, Your Lordship's most Obedient and most humble Servant

Charles Town 9e October 1735. Tho. Broughton

Recd 8th
Read 9th } December 1735.

B.P.R.O. So Carolina B.T. Vol. 8. F: 11

Enclosures to the Remonstrance of Tho: Broughton Esqr

Extract of a Letter from the Governor of St Augustin To his Excellency Robert Johnson Esqr Govr of So Carolina Dated the 27th April 1735. —

I communicate to your Excellency what has been writ to me about the two Captains or Traders that live among the Nations of the Cowetas & Talapouches who incite the Indians to come molest & kill the Subjects of my Sovereign This has been a very strange peice of news to me, being satisfied that their Catholick & Britannick Majestys are in Peace & Tranquillity with each other, and to see that two private persons by their Interest and Power accompanyd by an odious Malice, encourage the Indians to breake it. I have been assured that they have sent three Parties with orders to take Prisoners & kill all the Spaniards they shall meet or Indians that Inhabit the Lower part of our Government which is very certain since I have also been informed by one of the Chiefs of the same Nation. So that I would take it very kindly of your Excellency to take all the necessary & convenient measures to give me satisfaction in order that the Disturbers of the Peace may be

punished

punished as they deserve, or else I shall be obliged to take the most expedient Resolutions. And I also communicate to yor Exey and yor Noble & Honble Council to which I write on this Occasion that I would inform the King my master that in these Provinces they don't Religiously keep the conditions of Peace that have been established. I hope that the conduct and justice of Your Excellency will Remedy as soon as you can such a necessary Urgency and won't permit that the Excesses of the said Captains may go unpunished I am well assured of the Equity & justice of your Excellt And waiting to be honoured by yor Commands.

I remain most sincerely

your Excellency's

Most humble & most obedient

Servant

Fra. Del: Morah Sanchez

I certify this to be a true Copy Exam^d by me

J. Badenhop Cler. Coun.

St.

St Augustine Florida 13th May 1735

Sr

The bearer hereof Joseph De Lorme will inform your Excellency of the sad accident that happened yesterday at the Fort of St Francis De Pupo on the Bank of Picalata River wherein one of the three Partys of Indians I mentioned in my last, sent by your Traders among the Cowetas and Talapooses have killed the Master Gunner of the said Fort, which Insult I cannot bear no excuse the Chastisement they Deserve, for such Temerity is insupportable and ought not to be permitted since the two Crowns are in peace. Therefore I hope your Excellency will take proper measures to Remedy such an Enormity and that the Promoters thereof will receive their due Punishment otherwise I shall myself be obliged and inexcusable should I not punish so audacious & surprizing an action especially since the Provinces enjoyed great Tranquility till your Traders incited by Malice had not troubled the Spaniards and the Indians who are under our Protection. I hope Sr your Excellency will support the Union and Good correspondence that has all along Subsisted between us by obliging the said Traders

to

to appear before yor Excy and also their Accomplices and I am persuaded a Punishment condign to their Offence will be inflicted on them

I am very Sincerely
Your Excellcy most humble
& most obedient Servant
Fra: Francisco Del Moral Sanchez

I do Certify this to be a True Copy taken by me
J. Badenhop. Cler. Con.

Sr I received your Excellencys Letter of the 13th May with great pleasure being thereby acquainted with the Welcome News that his Brittannick Majesty had conferred on you the Government of your Province, in consideration of your great capacity & Talents of which I have received an Ample account. I wish your Excellency all manner of satisfaction and Success in your Government.

As to the Contents of your Excellencys Letter I cannot give any Answer to them by this Opportunity having Dispatched another Messenger to the Provinces to find out & be certain who the Persons are who have Comitted the Outrages as soon as I have a certain Accot thereof I shall give you notice of it.

I am desirous to find Opportunitys to serve your Excellency and am
Your Excy very humble Servant
10th July 1735.
Fra: Del Moral Sanchez.

His Excelly Thos. Broughton Esqr

a true copy J. Badenhop

B.P.R.O. S.Carolina B.T. Vol 8. F. 12.

Coweta 28th May 1735.

Mr Jones

I found on my arrival here the Trade of this Nation in very great disorder, which I imputed to the Numbers Licensed to Trade, and which as Governed could not afford a Living for some Traders, which was the Reason they were guilty of unfair Practices I have regulated the Trade a little and Reduced the Numbers of Traders, and that you may not disappoint yourself I am sorry I must tell you, that you are not in the Number of those continued Therefore you are to withdraw yourself & Effects with all convenient Diligence from this Nation

I am

your humble Servant

Patrick Mackeey

I do hereby certify this to be a true Copy Extd by me

J. Badenhop Clerk

B.P.R.O. S. Carolina B.T. Vol 8. F. 13.

Mobile 20th June 1735.

Sr

Mr Watson Master of a Sloop has delivered me your letter to Mr de Beinville Governor of Louisiana which I will forward to him by the first Opportunity I lay hold of Capt. Watsons Return to your Parts to acquaint you there has been a meeting at the Ofuske nation Talapouchee by Order of an Englishman who has the Inspection of the Traders. He orders himself to be termed the Man of Valour. He has declared in the same Meeting where all the Chiefs of the Nation were present several things to our Disadvantage, and in Terms very inconsiderate as asking them why they suffered the French to build a Fort, and that they ought to demolish it. Discourses of that kind handled in so familiar a manner give us Room to Imagine that England had Declared War against France, But the accounts We have from Europe assuring us to the Contrary, induces me to believe that this man of pretended Valour is actuated by his own and meer motion And I think he deserves to be severely punished I am persuaded Sir that you will not approve such a proceeding but will give

notice

notice of it to those of New Georgia, whom he lives among, that he may be punished in such a manner as may deter him from attempting the like any more. There are some other Traders that have told our Indians that we were obliged to have Recourse to your Nation for Goods to trade with them in order to Insinuate that we were no better than Beggars. I cannot tell you their names

This is the reason that has obliged us not to permit any Commerce between your Subjects and ours. I hope Sr that you or the Comandant at New Georgia, will forbid them very rigorously holding any such Discourses with our Indians, without which our Governor will be obliged to send some Troops to the Alibamons for to suppress and Seize the most Culpable. I am not as yet acquainted with his Sentiments or Intentions, but believe he will inform you of them in his Answer to your Letter.—

There is with you a Swiss Serjeant of ours which Capt Watson could not bring back with him. He may come in all safety no harm shall be done him, nor to any other Deserter. If you will give them leave to return, We shall be very much Obliged to you. I have the honour to be very

perfectly

perfectly

Sr Yr most humbly & most obed Servant
Biron Bartaquiette
Knight of the Military Order of St Louis
Mestre de camp of Foot Kings Lieut of the
Province of Louisiaaa and Comander at
Mobile.

I do Certify this to be a true Copy Exd by me
J Badenhop Cler Coun

B.P.R.O. S. Carolina B.T. Vol. 8. F. 114.

(4 July 1735)

To the Honoble Thomas Broughton Esqr Lieut. Governor and Commander in Chief in and over his Majestys Province of South Carolina and to the Honble the Members of his Majestys Council.

To the Honble Paul Jenys Esqr Speaker and the rest of the Members of the Commons House of Assembly

The Memorial of Benjamin Godin, Richard Hill, James Brokat, Edmund Atkin, James Osmond, Benjamin Savage, Gabriel Escot, William Lasserve Edward Croft, Robt. Pringle, Moses Austell, Joseph Shute, John Atkin, William Yeomans, Richard Lambton, John Watson, George Seaman, William Cattel Junr John Brokat, Peter Horry, Friederick Grimke, Ribton Hutchinson, George Austin, Daniel Green, Richard Wigg, Stephen Bedon, Henry Bedon, Garard Van-velsen as well in behalf of themselves and others concerned in the Indian Trade as of the several Merchants Trading from Great Britain to the Province of South Carolina.

Sheweth

That the Trade with the Indians hath been always

always deemed a valuable Branch of the Trade of this Province, there being yearly Exported Seventy Six or Seventy Eight Thousand Deer Skins. besides Bever and other Furrs in Return for the Woolen Manufactures Cutlery Ware and diverse other British Comoditys which are Consumed in that Trade. That the said Trade likewise is of a particular Advantage to this Province in regard to the poorer sort of People there being no less than Three hundred who find constant Employment therein.

That Eight hundred Horses are yearly Employ'd in the same Trade to carry Goods to the several Indian Nations, and to bring Skins and Furrs in Return besides Pettiangers Boats and Canoes, all which are bought from the Planters in the Settlem^{ts}.

That it is likewise an unspeakable Advantage to this Province in Particular that by means of the said Trade all the Indian Nations that surround us were kept Dependent on this Government and their Amity & Friendship preserved as well knowing that they cannot be so well or so cheaply supplyed with European Goods, either from the French or Spaniards.

That this Province has constantly Enjoyed the

the Benefit of this Trade without Interruption for these Fifty years past saving the short interruption of the Indian War in the Year One Thousand Seven Hundred and Fifteen, which lasted not above the space of Two years. the Indians being under a necessity to conclude a Peace for the sake of the Trade.

That an old Duty of Three Pence ℔ pound was laid on all Skins and Furrs by the Act commonly called the Church Act passed the during the Government of the late Lords Proprietors which was afterwards made Sixpence ℔ Skin And by an Act passed the Twentyeth of August 1731 Intituled An Act for the better Regulation of the Indian Trade, There was an Imposition of Thirty Pounds laid on every Indian Trading Licence to be Renewed yearly over and besides four Pounds for a Fee on every Licence to the Secretary of the Indian Trading Commissioner All which Your Memorialists conceived to be an Injury to the Trade because there were no such Duties or Impositions laid on the Virginia Traders, and who for that Reason always could and did undersell the South Carolina Traders.

That the Legislature of this Province being ap-

- preheasive

prehensive that the Profits of the said Trade were considerable enough to bear a Further Duty at least to defray the Charge of what was thought necessary to be done by this Government in maintenance & Support of it by Building & Erecting of Forts amongst the Indians for the Security of the Traders and their Goods in case of Danger On the 23d November 1734 Passed another Act Intituled an Act for Raising a Fund for the better Support and Regulation of the Indian Trade Whereby an Additional Duty of Fifty Pounds over & besides the said Thirty Pounds was directed to be paid for every Indian Trading Licence, Which Licence was likewise to be renew'd yearly, And also an Additional Duty or Sum of Six pence on all Skins and Furrs over and besides the first Duties But several of the Principal Traders and likewise their under Traders being sensible of the great Losses and Hazards attendg that Trade, and to avoid the Burthen and Incumbrances laid upon the same as well by the former as the last recited Act formed a Scheme of carrying on the Indian Trade from Georgia, and such other places where they might do it freely and without any such

Impositions

Impositions.

That some nevertheless were willing to Return with their Skins to the Government of South Carolina the Ancient place of Trade.

Upon their being informed that a Resolution had Passed both Houses for Remission of the Additional Duty on Skins and Licences and were actually Returning with their Skins to Charlestown

But your Memorialts begg leave to acquaint Your Honours that one Patricke Mc Key being appointed an Agent or Superintendent of the Indian Trade by the Honble James Oglethorpe Esqr as he Alledges, and by vertue and under some Colour of Authority which he pretends to have heretofore received by Commission under the broad Seal from His Excellency Robert Johason Esqr late Governor of this Province for Regulating the Indian Trade amonget the Upper and Lower Creekes in order to prevent the said Traders from bringing back their Effects and Returning to South Carolina Some time in the Month of December and may last Summonsed all the Traders belonging to the Upper and Lower Creeks Nations to meet him at certain places by him for the purpose appointed to acquaint them

of

of his new Delegates Powers and Authoritys at the same time placing and putting in some of the Traders and displacing others at his pleasure commanding some to attend him and go down to Georgia and Requiring others to withdraw themselves from the Trading Towns with their Effects, Declaring and Insisting that the sole and whole Indian Trade does not belong to the Province of Georgia.

That the said Patrick Mc Kay has assumed to himself and now Exercises an Authority over all those Traders that belong to this Government now in the Upper and Lower Creek Nations and has taken upon him to form reduce and Regulate the said Trade in such a Manner as he sees fit exacting a strict Obedience to all his Commands under pain of Seizure and Confiscation of all their Effects, all which Facts will appear by the Affidavits now laid before your Honours and a Letter of the said Patrick Mc Kay's own hand writing herewith delivered.

That your Memorialists do humbly apprehend the proceedings of the said Patrick Mc Key to be altogether unwarrantable admitting both the said Creek Nations to be within the Bounds of the Georgia

Georgia Charter for that your Memorialists are In-
formed that some time in the Reign of Her late Ma-
jesty Queen Anne the Government of South Carolina
having Seized some Effects of the Inhabitants of Virginia
for Trading within the Limits of the South Carolina
Charter, Her late Majesty was pleased to disapprove
of and Censure such Proceedings Declaring as your
Memorialists have been informed that all her loving
Subjects had an equal Right to Trade to and from
all her Dominions as well by Land as by Sea
without Interruption and thereupon the Traders
of Virginia have carried on and Continued the Trade
to and amongst the Indians belonging to this
Government ever since without the least Molestation.

That your Memorialists are all more or less
Concerned in the said Trade, either Trading thither
themselves directly or in furnishing Goods for the
said Trade and have been so for diverse Years
past, and have diverse Goods and Effects suited
and Adopted to the said Trade now in their Hands
and do Expect large Consignments of Goods of the
same kind from their Correspondents and Employers
in Great Britain, and some of your Memorialists have
large Debts Outstanding amongst their under Traders.

That

That your Memorialists cannot but be sensible how great a Loss they and their Principals must sustain by any Interruption they shall meet with in carrying on the said Trade.

That the fatal Consequence which may happen to this Province by the Total Loss of that Trade is not easily apprehanded or forseen since not only the whole Trade of the Province in General will be thereby greatly affected but the Indians induced thereby to withdraw their Subjection and Dependance and at length all Amity and Friendship with this His Majesty's Government.

That many of the Principal Traders and their Under Traders are now wavering and doubting whether it will be least expensive and most suitable to their Interests to carry on the Trade wholly to and from Georgia Cape Fear or South Carolina and the Measures your Honours shall now take therein can only determine their Resolutions.

Your Memorialists therefore humbly offer it to your Honour's Consideration Whether it be not absolutely necessary at this Juncture to take of the whole Duty laid on Skins and Furrs and the whole Imposition on Indian Trading Licences in order to preserve

and

and Continue the Indian Trade to this Province and to enable this Province to carry on the said Trade upon the same footing with His Majestys Colonies of Virginia and Georgia.

That these who have traded from this Government without Licences and are afraid of Incurring the Penalties of the Act and falling under your Honours Displeasure may have Liberty to return with their Effects to this Government, in regard they have not done it out of any contempt to the Authority of this Government but to avoid the Burthen and Expence laid upon the Trade which as they alledge they were not able to sustain.

That all such others who are desirous to return to this Government with their Effects may have Liberty so to do, duly free and without any hindrance or Interruption.

That the Illegal and Arbitrary Proceedings of the said Patrick Mc Kay may be examined and Inquired into and humbly Represented to the Kings Majesty if the said Insults be repeated and Continued.

And that your Honours will take all such proper Measures for the Encouraging and carrying on the said Indian Trade to and from this Province

and

and for the Supporting and defending of such as are Concerned or Employed therein as to your Honours in your great Wisdom shall be thought most meet.

July 4. 1735.

I. Yeomans	B. Godin.
Richd Lambton	Richard Hill.
John Watson	James Brokatt.
George Seaman	Edmd Atkin.
Willm Cattel Junr	James Osmond
John Brokatt	Benjn Savage
Peter Horry	Gabriel Escott.
Rib Hutchinson	Will Lasserre
Fredk Grimke	E. Croft.
George Austin	Robert Pringle.
Danl Greene	Moses Austell
Richd Nigg.	Joseph Shute.
Ste. Bedon.	Henry Bedon.
Ger Vanvelsen	John Atkin
Jam Smallwood	Jacob Motte.

Thomas Lloyd.

I certify this to be a true copy Examined by me

J. Badenhop Cler. Con.

B.P.R.O. So Carolina B.T. Vol 8. F. 15.

(4 July 1735)

Before the Honble Thomas Broughton Esqr
Lieut Governor &c

Appeared Williams who being duly Sworn
Declares viz.

That he has been employed to and in the
Creek and Chickesaw Nation in the Indian Trade
for upwards of thirteen years, in all which time he
has so behaved as to give no cause of Complaint.

That some time about the Month of June last
past he applyed to the Honble the Commissioner for
the Indian Trade for a Licence and have obtained one
for the Aufauleys, Kiladys & Kiolegees three small towns
in the upper Creek Nation. He proceeded there to his
Store and there continued to trade until the latter
end of December and then returned to Savannah Town
and set out again, and arrived in the Nation about
the middle of February, at which time he heard of the
Misfortune of having his Store broke up and burnt at
the Kiladys, wherein he lost above One Thousand Skins
worth of Goods, nevertheless he continued to Trade with
what he had left in his other Store until the latter
End of March, at which time there came a Summons

to

to him this Deponent and all the rest of the Traders to meet him the said Mr Kay at a place called the half way House and accordingly they all met and conveyed him to the Talooses where he the said Patrick Mr Kay produced three Commissions one from his Excy Governor Johnson, one from the Honble James Oglethorp Esqr and one from the Gentleman in Trust at Georgia, as he the said Mr Kay informed this Deponr and the rest that was present, some time after there was orders given by said Patrick Mr Kay for a General Meeting of both Indians and White People and accordingly they met at Okfuskees and there he proposed to the Indians three things Virt -

First, for them to pull down and Demolish the French Fort at the Albamas.

Secondly, if they would not do that, then to let him build a Fort, wherever he should think convenient.

Thirdly, That if they would not consent to do as before proposed that he would withdraw all the Traders from among them, upon which the Indians held a Debate for about a Week and at last returned for Answer that he might build a Fort; On which the said Mr Kay proposed to some of the Traders

if

if they would make a Company. And accordingly chose out Eleven men and disposed of their Properties as he thought fit, allowing nine of them to be upon whole shares, and two of them to have but one share between them, discharging whom he thought fit and accordingly sent for this Depont and Thomas Wright his partner, and told them they were excluded the Company and that he would not permit either of them to Trade either in the Creek or Chickesaw Nations but that if they would go to the Chactaws they might, which having a large Quantity of Goods left, they accepted to go to run the hazard rather than bring them down to the Settlements, which would have been one thousand Pounds Loss to them at least, accordingly Thomas Wright sett off with his Goods and Horses for the Chactaws the latter end of May last; but this Depont has heard nothing of him since.

This Depont further declares that whilst he was in the Great Okfuskees some time in the middle of May last there happened some Difference between one William Edwards a Servant to Alexander Wood, and one who Capt. McKay called his Doctor, but about what this Depont cannot tell, but heard that the said McKay ordered

ordered that the said Edwards should be immediately put in Irons, which accordingly was done, and this Depont see the Irons put on his Legs, and he was there kept for two days, but this Depont was Obliged to return to his Store which was about Six Miles from this Town, and there Staid, a few days after the said William Edwards came to this Depont and Informed him that by Order of the said Patrick Mc Kay, he was brought to the Chunco or May Pole in the middle of the Square there stripped bare backed and tyed to the said Post or Pole by Order of the said Patrick Mc Kay and Thirty five Hickery Switches were cut and brought to the said Place in Order to whip him, but that the One handed King came & covered him Glasping him in his Arms and saying that if he would Whip the said William Edwards they should whip him too, for that he had never seen such doings from the white People before, and it was not their Method, And that after some Dispute with the said Mc Kay Ordered the said Will: Edwards to be Discharged, And so he escaped his Punishment and further this Depont saith not.

Sworn before me in Council Chamber 4th July 1735
Thos. Broughton

W. Williams

A true Copy Cal: by me
J. Badenhop

B.P.R.O. S.Carolina B.T. bol. 8 f. 15

(4 July 1735)

John Cadonhead's Affidavit

Before the Honble Thomas Broughton Esqr Lieut Governr

Personally appeared John Cadonhead Indian Trader who being duely Sworn on the Holy Evangelists of Almighty God Declares viz.t

That he has lived in this Country upwards of Seven Years in all which time he has been Employd in the Indian Trade some time as Pacte Horse man and some time as License in all which time he hath behaved himself so as to give no Cause of Complaint

That being in his Trading House in the Oakemulgies Town in the Lower Creek Nation on or about the 12th Day of Decr last he received a Letter or Order from Capt Patrick Mc Coy directed to all the Gentlemen Traders in the Lower Creek Nation the purport of which was to inform them that he was then at Flint River and desired and Expected them to meet him within fifteen Miles of the said Nation where he should stay for them until he dispaird of their coming, Accordingly about fifteen of them set out in a day or two and met him at Boggy Gutt near Town Creek and saluted him with all their

Arms

Arms in a Handsome Manner and the next Day conveyed him into the Cowetaw Town where he was Kindly received by the Indians where he continued untill about the 10th of March at which time he summoned all the Traders to meet him there which they accordingly did, and they being met he made a Speech to the following purpose Virt.

That it was necessary for all persons that came Abroad with Power for to Publish and make known all such Powers or Commissions, and therefore if any one had a mind to see them he might, Accordingly he Opened a large Paper and said he had it from So Carolina and then read the following purport, - Vt he had thereby Power given him to act and do in all things as he should see proper about regulating the Indian Trade + to that effect

Signed Robt Johnson

That he produced another Paper, which he said was his Commission from the Gentlemen in Trust at Georgia, the purport of which was that if in case a rupture should happen with ye French and Spaniards that then he had power to kill, burn and put to the Sword all such Enemys to his Majestys Government. There was likewise another Commission

produced

produced but the contents he cannot tell.

That the said Patrick Mc Koy then and there asked all those present that if in case a Rupture or War should break out between the English and the French and Spaniards, whether they were willing and would go to war with him, that all answered they would stand by him with their Lives or words to that Effect, accordingly they were then dismissed and suffered every man to return to his respective trading Houses, and there staid untill the latter end of March, at which time George Goussens a Trader brought an Order to this Depont from said Mc Koy informing him that he the said Mc Koy was bound up to the Upper Creeks commanding him this Depont and every the Traders in the Lower Towns by Virtue of the Power to him given by the Honble James Oglethorpe Esqr not to stir nor move from their Respective Habitations until further Orders from him the said Mc Koy, and this Order to observe as they should answer the contrary at their Peril, accordingly this Order was Obey'd and this Depont was informed that the said Mc Koy did proceed to the Upper Creeks, and arrived there about the first day of April and returnd

the

the 15th of May as this Depont has been informed to the Cowetas.

This Deponent further Declares that some short time after the return of the said Mc Coy he see a letter under his hand directed to one Thomas Johns a Trader, the purport of which was to Inform the said Johns that he the said Mc Coy had reduced the Traders and those that he approved of he had put into Company, but that he the said Johns was excluded that Company and therefore he must Immediately withdrew himself his Goods and Effects out of the Nation with all convenient Diligence

Signed Patrick Mc Coy.

This Deponent further declares that he has been several times threatened by George Cousens one of this Company that he should never Trade in that Nation again for a Skin, which Threats this Deponent thinks were given in Order to deter him from proceeding there any more, and further this Deponent saith not.

John Cadonhead.

Sworn before me in the Council Chamber ye 4th of July 1735. Thos. Broughton

I Certify this to be a true Copy Exd by me

J. Badenhop Clerk Com

B.P.R.O. So. Carolina B.T. Vol 8. f. 15

South Carolina

Before the Honble James Broughton Esqr Lieut Governor.

Personally appeared Jeremiah Nott Indian Trader who being duly Sworne Declares viz.t

That he hath used and been a Trader unto and in the Creek Nation ever since the year 1728 or thereabouts, and that in all things he hath so behaved as to give no cause of Complaint against him.

The he some time about the Month of July last took out a License from this Province of South Carolina by which he was permitted to trade in the Cahabawhatchee Town in the upper Creeks that he continued there to Trade until the latter end of March last past, at which time there came one Nicholas Fisher and in the name of Patrick Mc Coy served this Depont with a Warrant (under the hand and Seal of the said Patrick Mc Coy) Comanding this Depont immediately on sight thereof to move himself his Goods and Stores from the Cahabawhatchee Town to the Neekokees and there to remain until further Orders and thereof not to fail at his peril.

and

and accordingly with all convenient speed he the said Jeremiah did remove all his Effects, (Not so much as Trading for one Skin after) and in crossing the Coosaw River with his Goods, his Canoe was overset, and he lost in Goods to the Value of Two Hundred Weight of Deer Skins, and at last got to the Keetoohees and there remained until the beginning of April, at which time he was shewed a Letter directed to Archibald Mc Gilvray requiring him and all the Traders in the Upper Creeks to meet the said Mc Coy at the place called the half way House in order to Conduct the said Mc Coy into that Nation and accordingly this Deponent went and several others met him and accompany'd him to the Tallafoes in the Creek Nation.

About two days after they were all summoned to meet to the Number of about twelve men, accordingly they met, and the said Patrick Mc Coy gave them a Talk the purport of which was, that he had heard some men in that Nation had received Letters from Carolina intimating to them that he the said Patrick Mc Coy had nothing to do with the Trade of that Nation, that he was sent there only to get a Fort built &c he therefore demanded to know which

of

of all those men there present would refuse to go down to Georgia, on which there was a profound silence for some time, and then this Deponent spoke, saying he believed it did not signify whether they went to Georgia or Carolina for it was all one King's Government. Upon which the said Mr Coy Reply'd that there was several Gentlemen then in Company (pointing to one Thomas Goodale and others) that had heard the Honble James Oglethorpe Esqr say, and that they very well knew that the Indian Trade did belong to Georgia, and that it solely did belong to them but Carolina had begged that they might have Liberty to Grant Licence for that year but that they had no more to do there now, on which Thomas Goodale said he had heard Mr Oglethorpe say the same and he knew it to be true

Some time after being at the Okfuskees at another Meeting the said Patrick Mc Coy being present and Thomas Goodale, Martin Carr, Thomas Higgin and several others there to discourse about those Gentlemen that had entered into a Company, and some one that was then present said they did suppose that notwithstanding their being in Company, yet Carolina would Grant Licenses, and send out Traders (or words to

to that Effect) the said Mc boy answered and said that if any person or persons should come from Carolina with Licence from that Government to Trade in that Nation he would Seize their Horses and Effects. And this Depont further Declares that he hath been several times (whilst he staid in the Nation) spoken to by Thomas Wicking, Thos. Goodale and others belonging to the Company in a threatening manner assuring him, that if ever he came there into that Nation to Trade any more, his Effects would certainly be seized, and this he apprehends was done with a Design to deterr him from the Trade.

This Depont further Declares that after having broke up his store and being in Company with said Mc boy he told him that he believed he had been misinformed about him that caused him to send a Warrant or Words to that Effect, and that he could undeceive him the said Mc boy Replyed that he would argue that Cause with him another time but never spoke one word to him afterwards about it but about the 14th of May he sent him word to depart the Nation with all his Effects.

This Depont then having by reason of the aforesaid Order several of his Goods left unsold, he Endeavoured to sell the same, which he at last did but to the White

People

People for less than the Prime cost, expecting never to go up again, by which means he lost above 300 lb wt of Deerskins besides further damage

Jeremiah his + mark Knott

Sworne before me in
the Council Chamber
the 4th July 1735.

Tho Broughton

I do certify this to be a true Copy Extd by me

J Bradshopp Clerk Coun

South

South Carolina

Before the Honble Thomas Broughton Esqr
Lieutenant Governor &c.

Personally appeared Thomas Johns Indian Trader who being duly Sworn declares viz: That he has used and been a Trader into and in the Creek nation upwards of Ten years, all which time he has so behaved as not to give any Reason of complaint. That about the Month of July last past he this Deponent applyed to the Honble the Commissioner of the Indian Trade for License to Trade in the Tustego Town from this Government, and accordingly proceeded to the Nation and there continued Trading until the 28th day of May last past when this Deponent was with Capt Patrick Mc Kay at the Cowetas, and then having some discourse with the said Mc Kay about the People going into Company; the said Mc Kay said this Deponent was not to be one of them, for that he did not design that anybody should live in this Town for the future, for that he the said Mc Kay had some difference with with those People This Deponent asked him the said Mc Kay what he should do then with his Goods that were left which was a great many; He answered that he would call

upon

upon him the next day as he went to the lower Town But instead thereof he sent this Depont a Letter or Order the purport of which was the he was Excluded the Company and therefore must depart the Nation with his Goods and Horses with all Convenient Diligence But the said Depont having such Quantitys of Goods could not move them but packed them up and left them in his Store, & immediately departed with a Resolution to apply to this Government, and see whether this Government would grant him further License and Protection in the said Trade.

This Deponent further Declares that he has been at several Meetings of the said Mc Kays. That at the first he produced three Commissions, one from this Government, one from Mr Oglethorp and one from the Gentlemen in Power at Georgia, as he has been by him the said Mc Kay, informed, or words to that Effect.

This Deponent further declares That whilst the said Patrick Mc Kay was gone to the Upper Creeks, Tomachichi one of the Head men that went over to England with Mr Oglethorp and lives at Georgia sent up a Warrior to the Lower Creek to summons two or three of the Head men out of every Town to come down to him,

for

for that Patrick Mc kay was not a Beloved man and that he had not the Talk and Present for them, but that he the said Tomachichi had both the Talk and Present at Georgia, and therefore they must come to him, and accordingly about Two or Three of the Head men of every Town went away for Georgia about 14 Days before the said Mc kay came from the Upper Nation, but what they did there this Depont knoweth not, and further saith not

Thomas Johns

Sworn before me in the
Council Chamber the 4th
July 1735.

Thos Broughton

I certify this to be a True Copy Exd by me
J. Badenhop Cler Com.

B. P. R. O. S. Carolina B. T. Vol 8. F. 16

(4 July 1735)

Depositions of Wm Mc Mullin.

William Mc Mullin maketh Oath and saith —

That he has Traded to the Chekesaw Nations about Six years and in all things behaved himself as far as he knows in all things as he ought to do, last Spring he heard that Patk Mc Kay was come up to the Creek Nation about Settling a Fort and having no Orders to come to him, he there continued to Trade until the 20th of april last when he left that Nation and arrived at Savannah Town ye 25th Inst when he recd a Letter or Order from Capt. Patrick Mc Coy directed to him, the purport of which was to tell him that he the said Patrick Mc Coy did permit the said Wm Mc Mullin to return back to the Chekasaws Nation to fetch his Effects that he had left there but not to Trade there again on any pretence whatsoever at his Peril.

Signed Patrick Mc Coy

That he and William Killhown were excluded the said Trade under pretence that there was too many, but that nevertheless John Facey and James Bozeas were

were put in their room, so that the number was not lessened, that he never see the said Mc Coy nor heard from him until he arrived at Savannah Town and doth very believe there has been no Complaint against this Depont

his
William M McMullin
Mark

Sworn before me in the
Council Chamber the 14th
July 1735 Tho: Broughton

I certify this to be a true Copy Examined
by me
J. Badenhop Clerk Com.

Charles

Charles Town So Carolina July 19th 1735.

George Cussins being duly Sworn on the Holy Evangelists of Almighty God. Declares that on or about the 27th Day of May last, while he was Trading at the Newtees Chichas & Oakemulgees in the Lower Creek Nation pursuant to his Licence for that purpose on the behalf of the Estate of Lauchlan McGilvray decd being employ'd on that account by Messrs Andrew Allen John Frazer & James Paine Executors to the said Estate. Mr Patrick McKay and Agent from Georgia did then come to the House in the said Nation where the said Cussins was trading and forbid the said Cussins to Trade any longer there, and that he would not suffer him any longer to Trade under his Licence from South Carolina, and accordingly Order'd the said George Cussins to put aside what Goods he had under his Care belonging to the said Estate and to take into the said House what Goods he the said McKay should think fit and accordingly the said Goods belonging to the said Estate were then put aside and Mr McKays Goods and those concerned with him were put into the said house, and from that time the said Cussings according to the said

Mr Kays

Mr Kay's Order left off Trading as aforesaid.

Geo. Curtins.

Sworn before me in
Council the 19th July 1735.

Tho: Broughton.

I certify this to be a True Copy Extd by me

J. Badenhop Cler Coun.

B.P.R.O. So Carolina B.T. Vol 8. F. 20

Charles Town the October 1735.

My Lord,

Your Lordship presiding at the Board of the Trustees for Establishing the Colony of Georgia, I thought it absolutely necessary to transmit to Your Lordship attested Copies of the Memorial of several Merchants in this Town concern'd in the Indian Trade, together with the Affidavits of several Indian Traders to the Creek Nations, and also Copies of Letters from the Governor of St. Augustine, and one from the Commandant at Mobille, all which relate to the conduct of Capt. Patrick Mackay, Agent for Indian Affairs in the Colony of Georgia.

I presume it will be Unnecessary to take up much of your Lordship's time on this Subject, The several Materials herewith sent will apprize you of all the Transactions that have as yet come to my knowledge relating to this Affair, by which Your Lordship will be fully informd of Capt Mackays Behaviour and easily conceive of what ill Consequence it may prove to the Prosperity, both of Georgia and this Province especially at this Critical Juncture, to give Umbrage to our French and Spanish Neighbours, which they have already

already taken, as will evidently appear by their having applied to this Government for Redress, threaten'd Reprisals, increas'd their Garrisons, and repaired and enlarged their Fortifications about the Indian Nations, all which early Precautions in time of Peace do undoubtedly proceed from the apprehensions they are under from Capt. Mackay's violent Procedure.

This Gentleman's Conduct in respect to the Traders licensed by this Government to the Creeks, will no doubt appear to your Lordship and the Honble Trustees very arbitrary, unjust and illegal; for that it is well known that His Majesty's Royal Instruction is, that none of his Subjects shall be debar'd the Privilege and Liberty they have all along enjoyed of trading with any Nation of free Indians under his Protection, and in amity; and it does not appear that the Charter grants the Trustees an Exclusive Trade with any Nation of Indians, not even with those settled within the Bounds described and fixed by that Charter.

But what is most surprising of all is that the Bailiffs of Georgia not only approve Capt. Mackay's Conduct on this account, but have even gone such Lengths as to declare they would raise a sufficient Part of the Militia to support the said Mackay in such his unjust

unjustifiable Proceedings, tho' it is apparent by the Charter itself, that the sole Authority over the Militia of Georgia is vested in the Govr of this Province for the time being, except such as shall be raised by the Officer appointed to erect a Fort in the Creek Nation, to be employed in that service, or against his Majesty's Enemys, who are no ways to interfere with the Trade.

I have writ at large to those Gentlemen upon all those Particulars, and represented to them the Injustice and Rashness of those Proceedings, and the dangerous Consequences they must inevitably be of both to Georgia and So Carolina.

I doubt not but when your Lordship and the Rest of the Honble Trustees have maturely considered and weighed these matters, you will give those Gentlemen such Directions and Instructions, as may for the future oblige them to desist from attempts of this nature, so prejudicial to his Majesty's Interest, the Peace and Prosperity of these Parts of his Majesty's Dominions, and so injurious to the Rights and Properties of his Majesty's Subjects.

I am

My Lord

Your Lordsp= most obedt + most humble Servt

Thos Broughton.

Earl of Egmont.

Recd
Read } Dec 18 1735.

B.P.R.O. A & W.I. Vol. 19. p. 68

Albrohatch Octo^{r} 25th 1735

My Lord,

In the year 1710 there passed an Act of Assembly in South Carolina, constituting an Officer called the Vendu Master, and by a Clause in the same Act, of which I take leave to send Your Grace a Copy, the Nomination of that Officer was placed in the Governour of that Province for the time being; and the late Governor Mr Johnson, - at my request, bestow'd it upon Mr Badenhop, a Nephew to Monsieur Payzant, and an Old servant to my Lord Galloway.

I have been informed that Application has lately been made to your Grace, to bestow this Employment upon some other person; But as Badenhop is a very honest poor Man, and in possession of that Office by a proper Constitution, I humbly entreat your Grace, not to remove him, and I shall add your Favour herein to the many obligations I already owe you, who am wth perfect truth and Respect.

My Lord your Graces very faithfull and most obedient humble Servant Martin Bladen.

The Duke of Newcastle

Blande

Clause of a Law past in the Province of South Carolina, in the Year 1710 Entituled An Act for Appointing a Publick Vendu Master &ca.

And be it further Enacted by the Authority aforesaid That the Rt. Honourable the Governour or the Governour for the tyme being. Is hereby Requested and Impowered to Nominate and Appoint the said Vendu Master And the Person so nominated and Appointed shall be deemed sole Vendu Master to Execute all such matters as are Enjoyned him and be subject to all the Penalty's Limitations and Restrictions as in and by this Act are made and provided.

Read three times and Ratified in open Assembly this Eighth Day of April Anno Domini 1710.

Edward Tynte
F. Turbervill
Robt. Gibbes
Robt. Daniel
Tho. Broughton

South Carolina August 14th 1734

The above Clause is truly Copyed from the Original Law Lodged in the Secretarys Office of this Province and Examined

p James Michie
Dep.y Secretary

B.P.R.O. So Carolina B.T. Vol. 8. F. 3

(27th Oct. 1735.)

At the Council Chamber at Whitehall
the 27th day of October 1735.

By the Right Honoble The Lords of the Committee of Council for Plantation Affairs.

Her Majesty having been pleased, by Her Order in Council of the 13th of this Instant, to refer unto this Committee the Humble Petition of George Morley Esqr Provost Marshall of His Majestys Province of South Carolina in America setting forth that he has been at Great Expence in going over to Carolina to put the said Office into Order, in accomplishing whereof, he found great Difficultys, that there being no Salary annexed to the Office nor any Provisional Goal for the Confinement of Prisoners, the Petitioner has been Obliged, at his own Cost and Charges, to hire a House and fit it up in a proper and suitable manner and therefore humbly praying that Her Majesty will be graciously pleased to Grant him such an Allowance out of the Quit Rents of that Province, as may enable him to provide for the better security of the Prisoners and Encourage his Diligence in the faithfull Execution of his Office. — The Lords of the

the Committee this day took the same into their Consideration, and are hereby pleased to Refer the said Petition (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same, and Report their Opinion thereupon to this Committee. —

Wm Sharpe

Recd
Read } Oct. 31. 1735.

To

To the Queens most Excellent Majesty in Council

The Humble Petition of George Morley Esqr
Provost Marshall of His Majestys Province
of South Carolina in America.

Most humbly Sheweth.

That Your Petr holds the said Office under an Assignmt of His Majestys Letters Patents bearing Date the 11th day of February in the fourth year of his Reign which he has since Executed with great care Diligence and Fidelity. —

That your Petr has been at great Expence in going over to Carolina to put the said Office into Order and in accomplishing thereof he found very great Difficultys and there being no Sallary annexed to the Office nor any Provincial Goal for the Confinement of Prisoners Your Petr has been Obliged at his own Cost and Charges to hire a House and fit it up in a proper and Suitable manner.

That the Profits arising therefrom are very small though the Trust is great.

That the Interest and property of many of His Majesty's Subjects of the said Province depends upon a due Execution of the said Office and keeping in safe Custody from time to time the Prisoners committed

committed to his Charge.

Your Petr therefore most humbly prays your Majesty that you will be graciously pleased to Grant him such an allowance out of the Quit Rents of that Province as may enable him to Provide for the better Security of the Prisoners and Encourage his Diligence in the faithfull Execution of His Office on which the good Government of this Province does so immediately depend.

And your Petr as in Duty bound shall ever Pray

Geo. Morley.

B.P.R.O. So Carolina B.T. vol 8. 7.4.

(27th Oct. 1735.)

At the Council Chamber Whitehall
the 27th day of October 1735

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

Her Majesty having been pleased, by Her Order in Council of the 13th of this Instant to refer unto this Committee the humble Petition of William Hodgeon Landgrave and Cassique of Carolina in America, Setting forth that in 1715 the then Lords Proprietors of Carolina by Letters Patents granted four Baronys to the Petr annext to his Title of Landgrave, and also Baronys annext to his Title of Cassique, and that the Petr had caused several parcells of Lands to be Planted and admeasured, But that the late Governor of that Province would not permit the Petitioner to Register his Plans or to Runn out the rest of his Lands, alledging that the same was contrary to his Instructions, And therefore he humbly Prays that His Majesty will give Directions, that his Right to the said Baronys may be looked into, and in case His Majesty should be advised that the Petitoner's Right and Title thereto is good, that then His Majesty would

would be pleased to Order the next Succeeding Gov-ernor to Permit the Petr to have and enjoy his said Baronys:— The Lords of the Committee this day took the same into their Consideration, and are hereby pleased to refer the said Petition (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same, and Report their Opinion thereupon to this Committee. —

Wm Sharpe.

Recd 14 }
Read 18 } November 1735.

Jo

To the King's most Excellent Majesty.

The Humble Petition of William Hodgson Landgrave and Cassique of Carolina in America.

Sheweth.

That in the year 1715 the then late Lords Proprietors of Carolina having by Letters Patents granted four Baronys to your Petr annext to his Title of Landgrave and also Baronys annext to his Title of Cassique.

That your Petr duly Registered his Patent in Carolina and has been at great Expence in getting several Parcells of Land Admeasured and Plaaned but your Majesty's late Govr of South Carolina would not sign nor Permit your Petr to Regieter his Plans nor Permit him to run out the rest of his Lands altho' your Petr is advised he has not been guilty of any Neglect or forfeiture of his Patent neither could he have his Plans registered sooner in regard the Land Office here was shutt up soon after your Petrs Letters Patents were granted and immediately after the same was opened again which was since your Matys Purchase of the said Province your Petr forthwith applyed to your Matys said late Govr who

who as Your Petrs is informed gave no other reason for his refusing to admit your Petrs Right then that is was contrary to his Instructions.—

That your Petr is advised by his Council that he has a right to his said Baronys and having been at great expence relating thereto and having intermarryed with a Sister of the late Lord Craven who and that Family have been Lords Proprietors of Carolina from the time of the Grant made thereof by his late Majesty King Charles the second till the time the same was surrendered to your Majesty in which Surrender the present Lord Craven joined And your Majesty having permitted several Persons to enjoy Lands granted to him by the late Lords Proprietors Therefore and in Regard to this matter of Right your Petr humbly Prays your Majesty will give Directions touching the Premisses that your Petrs Right to his said Baronys may be looked into And in case your Majesty shall be advised that your Petrs Right and Title is good thereto that then your Majesty will please to Order your next succeeding Govr to permit your Petr to have & enjoy his sd Baronys

And your Petr shall ever Pray.—

B.P.R.O. So Carolina B.T. vol. 8. f. 22

London 14th Novembr 1735.

Sir,

By direction from Colo Broughton I send you the Acts passed the last Session of Assembly in South Carolina together with the Journals of the Upper & Lower Houses of Assembly and Minutes of Council to the 4th of June last, a List whereof is hereto annexed And I am to desire you will be pleased to lay the same before the Rt Honble the Lords Commissioners for Trade and Plantations. I am

Sir

Your most Obedt humble
Servt

Percyl Fury

To Alured Popple Esqr Secretary
to the Rt Honble the Lords Com-
missioners for Trade & Plantations.

Recd Nov 17th 1735.
Read Jan 8 27th 1735/6.

(Inclosure)

(Inclosure.)

Acts received from Carolina 6th Nov. 1735.

An Act to appoint and enable certain Commissioners to keep in repair the Road leading from Deacon's Bridge in Berkeley County to the Parish Line near Jacks Savannah, and also Commissioners to lay out a Road from thence to the Road on the East side of a Swamp at a Place called Mr Drayton's Cow-pen.

An Act for the more effectual preventing the counterfitting the Bills of Credit of this Province, and for calling in and Reissuing such of the Denominations of the Current Bills of this Province as are or shall be supposed to be counterfitted.

An Act for laying out a Road from the Round O. Savannah to the Publick Road leading from Jackson's Ferry to the Horse-shoe Savanna, and to appoint Commissioners for the same, and to invest the Commissioners appointed in an Act Intitled An Act for the Establishing a ferry from the Plantation of Coll. Samuel Prioleau called Patterson's Point on Port Royall Island to the Land of Thomas Inns Esqr. on the Indian Land, and also to erect a ferry over Combahee River, and to appoint Commissioners to lay out Roads from thence to Parrysburgh and to Port Royal ferry with the same

Power

Power and Authority as any Commissioners of Highways have in this Province.

An Act for raising a Fund for the better Support and Regulation of the Indian Trade.

An Act for raising the Sum of forty two thousand two hundred and ninety two Pounds thirteen Shillings and Six pence for defraying the Charges of the Government for one year commencing the twenty fifth day of March 1734, and ending the twenty fifth day of March 1735.

An Act for laying of Buoys and erecting and supporting Beacons or Land Marks near the Barr of the Harbour of George Town Winyaw and for building and repairing one or more Pilot Boat or Boats to attend the Barr of the said Harbour, and for the better setling and regulating the Pilotage of the said Harbour.

An Act to provide a full Supply for subsisting Poor Protestants coming from Europe, and setling in His Majesty's New Townships in this Province for establishing a Fund by an Annual Tax on the Inhabitants of this Province for paying off, and cancelling the remaining Publick Orders which were issued in the year 1731.

An

An Act further to empower the Commissioners of the High — Roads in the Parishes of Saint Phillips, St Andrews and St James's Goosecreek to compleat and finish the Road in the said Parishes respectively.

Journals

Journals of the Upper House of Assembly to the seventh of June 1735.

Journals of the Commons House of Assembly to the seventh of June 1735.

Minutes of Council to the seventh of June 1735.

B.P.R.O. S. Carolina B.T. Vol 8. F 21.

To the Right Honble the Lords Commissioners for Trade and Plantations.

In Obedience to your Lordships Commands Signified to me by Mr Popple's Letter I have considered the two following Carolina Acts. One Intituled An Act for the better Settlement of this Province past in 1694. The other Intitled a Continuing and reviving Act past in 1700 By the first it is Enacted that no Person now Inhabiting in South Carolina shall be Arrested, Sued, Impleaded in any Court or imprisoned for any Debt whether the same be by Bill, Bond or other Specialty whatsoever or Contracted before his Arrival in South Carolina till and after five years after the Ratification of this Act And that no Person whatsoever which hereafter shall Transport themselves into South Carolina there to Plant and Inhabit shall be arrested Sued Impleaded in any Court or Imprisoned for any Debt whether the same be by Bill Bond or any other Specialty Account or reckoning whatsoever Contracted before his arrival here — By the other the Privilledge and Protection given by the first Act is continued as long from and after the passing this Act As it was from and after passing the

the first act but the negative words (no longer) are not in this Act, I beg leave to observe to your Lordships that these Acts come now under your Lordships consideration upon the Complaint of the Merchants of Bristoll who have been very greatly injured and Oppressed by Persons Indebted to them in the Colonies abroad flying with their Effects into the Colony of Carolina and being sheltered and Protected from the just demands of their Creditors under the Sanction of these Laws For the latter part of the first Law which enacts That no Person who shall thereafter Transport himself to South Carolina shall be sued till five years after his arrival. Notwithstanding it was at first esteemed a Temporary Law, Has of late been solemnly deemed and taken by the Judicature there to be a Perpetuall Law and without Limitation. For they insist that the term of Five Years in that part of the Clause does not relate to the time of Passing the Act but to the Time of the future arrival of the Person And they insist if one Act is Passed that is in its Nature a Perpetual Law and without Limitation And the Legislature thro misapprehension or Mistake afterwards pass another Act by which they continue the first for a certain Limited Time & add no restrict-

-ise

-ive or Negative words. That the first Act shall continue in Force notwithstanding the Subsequent Limitations after such limitation is expired. This is the Construe-tion which has been put upon this Law by the Expos-itors of it in this Country but whether it might receive the same Construction here is a Doubt with me However I must Submitt it to your Lordshipp's Con-sideration As this Law is now taken to be in force in Carolina whether it may not be proper to Consider it as a Law in full force And if your Lordships Consider it in that Light I must beg leave to say that I think it is highly detrimental to the Trade and Navigation of this Kingdom For tho' in the Infancy of a Collony such a Protection might be allowed as an Encouragement to Persons to come and settle there, yet when a Colony has been Settled and Established for a great Number of Years such Protections are of Infinite prejudice to their Neighbours and are Temptations to Dishonest & Knavish Persons to Injure and Wrong the Fair and just Creditor, The Complaints of the Merchants are founded upon a recent Instances of the Flagrant bad consequences of this Act and as it is absolutely necessary in the nature of Trade for the Merchants to have large Effects in the hands of

of their Correspondents in the Colonys abroad, It is in their Power If they are dishonest at any time to remove themselves into Carolina & there to be protected from the just Demands of their Creditors who are entirely without any means of Redress

Which is humbly Submitted to your Lordship's great Wisdom by my Lord

Your Lordships most Obedient Servant
Fran: Fane

Recd Augt 28th 1733.
Read Dec. 18th 1735.

B.P.R.O. A & W.I. Vol. 19. p. 70

Col. Broughton

Nov. 19 1735

Sir,

The Trustees of the Colony of Georgia having represented to His Majesty that they have given Directions for erecting a Fort upon the Island of St Simon, in the mouth of the River Altamaha, which will be of the greatest importance, by reason of its Situation for the Security and Welfare as well of the Province of South Carolina as of Georgia, and that they shall stand in need of Workmen for carrying on and finishing the said Fort; His Majesty would have you furnish Mr Oglethorp under whose Direction this work will be carried on, with such a number of Negros as you conveniently can to be employd therein and as shall be necessary for bringing it to Perfection

I am &c

Holles Newcastle

B.P.R.O. S.Carolina B.T. Vol 26 p. 161.

20th Nov 1735.

To John Willis Esqr } Attorney
Rudley Ryder Esqr } Solicitor } Genl

Gentlemen

I am commanded by my Lords commissioners for Trade and Plantations to send you the inclosed Copy of Letters Patents from the late Lords Proprietors of Carolina in 1715 granting Six Baronies in that Province to William Hodgson Esqr annexed to his Titles of Landgrave and Cassique, and to acquaint you, that my Lords Commissioners desire you to consider the said Letters Patents and let their Lordships have your Opinion in point of Law concerning his Right to the Land claimed under the said Patent

I am
Gentlemen
Your most humble Servt
A.P.

Whitehall
Novembr 20th 1735.

B.P.R.O. So. Carolina B.T. vol. 8. f. 5

South Carolina.

Copy Landgrave Hodgson's Patent (dated april 1715.) from the late Lords Proprietors of Carolina.

Rec.d 14
Read 18 } Novemb.r 1735.

f. 5.

B.P.R.O. So Carolina B.T. Vol 8. f 6.

(24th Novr 1735)

To the Right Honoble the Lords Commissioners for Trade and Plantations.

May it please Your Lordships

In Obedience to your Lordships Commands signified to us by Mr Popple We have considered the Letters Patent (a Copy of which You was pleased to send us) from the late Lords Proprietors of Carolina in 1715 to William Hodgson Esquire and We are of Opinion That the Words are too General to pass Lands and that Mr Hodgson hath no Right to any Land in Carolina by Virtue of the said Patent

All which is humbly submitted to your Lordships

J. Willes
W. Ryder
Novr 24th 1735.

Recd Dec 4th } 1735.
Read D:o 5th }

B.P.R.O. S. Carolina B.T. Vol 26 p. 162

26th Novr 1735.

To the Right Honourable the Lords of the Committee of His Majestys most Honble Privy Council

My Lords,

We have considered the Humble Petition of George Morley Esqr Provost Marshall of His Majestys Province of South Carolina referred to Us by Your Lord-ship's on the 27th Day of October last, setting forth that he hath been at great Expence in going to South Carolina to put the said Office into Order, in accomplishing whereof He found great Difficulties; that there is no Salary annexed to his Office, nor any Provincial Goal in South Carolina for the Con-finemt of Prisoners, and therefore that he hath been obliged at his own Cost and Charges to hire a House and fit it up in a proper Manner for the Reception of his Prisoners; wherefore he humbly prays to have such an allowance out of the Quit Rents of South Carolina as may enable him to provide for the better Security of the Prisoners and encourage His Diligence in the faithful Ex-ecution of his Office.

Hereupon

Hereupon We take leave to Acquaint Your Lord-ships, that in the Neighbouring Province of North Carolina, and in the other British Plantations in America, there are Publick Goals erected and kept in Repair at the Expence of the several Colonies, for the Reception and Security of Prisoners: We cannot be of Opinion therefore that his Majesty should be advised to grant the Petitioners an Allowance for this Purpose out of the Quit Rents of South Car-olina; but on the other hand We would propose that the Commander in Chief in that Province may receive His Majesty's Commands to recommend in the Strongest Manner to the general Assembly, to make the necessary Provisions for erecting a common Goal or Goals & keeping the same in Repair agreeable to the Practice of the other British Colonies. We are

My Lords
Your Lordships
most obedient and
most Humble Servants.

Whitehall
November 26. 1735.

M. Bladen
Orl: Bridgeman
Ja. Brudenell.
Fitz-Walter.
Tho. Pelham.
R. Plumer.

B.P.R.O. S. Carolina B.T. Vol 26 p. 164

28th Nov. 1735

To the Right Honble the Lords of the Committee of His Majestys most Honble Privy Council

My Lords,

We have considered the Humble Petition of William Hodgson therein called Landgrave and Cassique of Carolina in America, referred to us by your Lordships on the 27th Day of October last, wherein he sets forth, that in the year 1715 the then Lords Proprietors of Carolina did by Letters Patents grant to the Petitioner four Baronys annexed to his Title of Landgrave ..... and other Baronys annexed to his Title of Cassique; and that He hath at great expence caused several Parcels of Land to be admeasured & planned, but that the Late Governor of that Province would not permit the Petitioner to register his Plans or run out the Rest of his Lands, alledging that the same was contrary to his Instructions: Wherefore he humbly prays that His Majesty will give Directions that his Right to the said Baronys may be looked into, and in case His Majesty should be advised that the Petitioners Right and Title thereto are good, that then His Majesty would

would be pleased to order the next succeeding Govern-or to Permit the Petitioner to have and enjoy the said Baronys.

This being a Matter of Law we thought proper to refer it to the Consideration of His Majesty's Attorney & Solicitor General who have thereupon reported their Opinion to Us in the following Words, "That they have considered the Letters Patent from the Late Lords Proprietors of Carolina in 1715, to William Hodgson Esquire & are of Opinion that the Words are too gen-eral to pass Lands & that Mr. Hodgson hath no Right to any Land in Carolina by Virtue of the said Pat-ent." We therefore cannot think it advisable for His Majesty to give Directions to his future Governor of this Province to allow the Petitioner to have or enjoy any Lands by virtue of the said Patent.

We are
May it please
Your Lordships most obedient
and most humble Servants

Whitehall
Novr 28. 1735.

Ja. Brudenell. Fitzy = Walter.
Rd Plumer. Tho. Pelham.

B.P.R.O. So Carolina B.T. Vol 26. p. 166

3rd Decr 1735

To Mr Joseph Fox Naval Officer in So Carolina.

Sir,

My Lords Commissioners for Trade and Plantations command me to acknowledge the Receipt of your several Letters to their Lordships with the Lists of Vessels entered and cleared inwards and outwards at the Port of Charles Town, & particularly your last Letter of the 27th of June last, with the said Lists to Midsummer last, as also the List of Vessels for the Port of Winyaw from Lady day 1734 to Lady day 1735 and their Lordships desire you will continue the same Punctually for the future, by sending to me the said Lists either Quarterly or half Yearly, as Occasions shall offer, for that Purpose. I am

Sir

Your most humble Servant

A P

Whitehall
December 3d 1735

B.P.R.O. So Carolina B.T. Vol 8. F. 17.

(8 Dec 1735)

At the Council Chamber Whitehall
the 8th day of December 1735

By the Right Honourable the Lords of the Com-
-mittee of Council for Plantation Affairs

His Majesty having been pleased by his Order in Council of the 26th of last month to refer unto this Committee the humble Petition of the Trustees for Establishing the Colony of Georgia in America - setting forth that they are inform-ed that endeavours are using to obtain from the Lieut. Governor of South Carolina, Grants of Land to the South of the River Alatamaha and being apprehensive that any Attempt of making a Settlement on those Lands will necessarily involve both the Provinces of South Carolina and Georgia in a Warr with their Indians and other Neighbours Do therefore most humbly pray that the Lieutenant Governor or Governor for the time being of South Carolina may be strictly enjoyned by an Instruction from His Majesty not to permit the running out of any Lands or making any such Grants to the Southward of the River Alatamaha: - The Lords of the Committee this day took the same into their Consideration and are hereby pleased to refer the said Petition (a Copy whereof

whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to this Committee.

Temple Stanyan.

Recd
Read } Dec. 16th 1735.

Jo

To the Kings most Excellent Majesty in Council

The Humble Petetion of the Trustees for establish-ing the Colony of Georgia in America.

Humbly Sheweth

That your Petitioners are well informed that Endeavours are useing to Obtain from the Lieutenant Governor of South Carolina, Grants of Lands to the South of the River of Alatamaha, and being Apprehensive that any attempt of making such Settlements will necessarily involve both the Provinces of Carolina and Georgia in a Warr with our Indian and other Neighbours. —

Therefore from a just Concern for the Welfare of Our Infant Settlement as well as that of Carolina We become humble Petitioners to your Majesty that your Lieutenant Governor or Governor for the time being of South Carolina, may be strictly enjoyned by an Instruction from your Majesty, not to permit the Running out of any Lands, or making any such Grants to the Southward of the River Alatamaha.

And your Petitioners as in Duty bound shall ever Pray. —

L S

B.P.R.O. S.Carolina B.T. Vol. 26. p. 167

10th Decemr 1735.

To Benjamin Martyn Esqr
Secretary to the Georgia Trustees

Sir

My Lords Commissioners for Trade and Plantations having received a Letter from Colo Broughton the Commander in Chief of South Carolina, with several Papers, in relation to some Complaints against one Patrick McKey an Officer appointed by the Trustees for establishing the Colony of Georgia now in that Province, I am commanded to desire you will acquaint the said Trustees, that my Lords are desirous of speaking with some of them, upon this Subject tomorrow Morning at twelve oclock

I am
Sir
your most humble Servant
A. P.

Whitehall
Decemr 10th 1735.